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For the Deputy Collectorship of Midnapore
LIBRARY

THE

REGULATIONS AND LAWS

ENACTED BY THE

GOVERNOR GENERAL IN COUNCIL,

FOR

THE CIVIL GOVERNMENT

OF

The whole of the Territories under the Presidency

OF

FORT WILLIAM IN BENGAL.

VOL. I.

CONTAINING THE REGULATIONS FOR 1793.

Baptist Mission Press Edition.

Midnapore Collectorate
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TITLES OF THE REGULATIONS

PASSED IN THE YEAR

1793.

REGULATION

A REGULATION *for enacting into a Regulation certain Articles of a Proclamation bearing Date the 22d March* 1793. *Passed on the* 1st *May*, 1793.

II.

A REGULATION *for abolishing the Courts of Maal Adawlut or Revenue Courts, and transferring the Trial of the Suits which were cognizable in those Courts to the Courts of Dewanny Adawlut; and prescribing Rules for the Conduct of the Board of Revenue and the Collectors. Passed on the* 1st *May* 1793.

III.

A REGULATION *for extending and defining the Jurisdiction of the Courts of Dewanny Adawlut, or Courts of Judicature, for the Trial of civil Suits in the first instance, established in the several Zillahs, and in the Cities of Patna, Dacca, and Moorshedabad. Passed on the* 1st *May*, 1793.

IV.

A REGULATION *for receiving, trying, and deciding Suits or Complaints declared cognizable in the first instance in the Courts of Dewanny Adawlut established in the several Zillahs, and in the Cities of Patna, Dacca, and Moorshedabad. Passed on the* 1st *May*, 1793.

V.

A REGULATION *for establishing four provincial Courts of Appeal for hearing Appeals from Decisions passed in the several Zillah, and the three City Courts, and defining their Powers and Duties; and prescribing Rules for receiving and deciding upon Appeals, and other Causes of which they are declared to have Cognizance. Passed on the* 1st *May*, 1793.

VI.

A REGULATION *for extending and defining the Powers and Duties of the Court of Sudder Dewanny Adawlut, and prescribing Rules for receiving and deciding upon Appeals from the Decisions of the Provincial Courts of Appeal. Passed on the* 1st *May*, 1793.

VII.

A REGULATION *for the Appointment of Vakeels or native Pleaders in the Courts of civil Judicature in the Provinces of Bengal, Behar, and Orissa. Passed on the* 1st *May*, 1793.

VIII.

VIII.

A REGULATION *for re-enacting, with Modifications and Amendments, the Rules for the decennial Settlement of the public Revenue payable from the Lands of the Zemindars, independent Talookdars, and other actual Proprietors of Land, in Bengal, Behar, and Orissa, passed for those Provinces respectively, on the* 18*th September,* 1789, *the* 25*th November,* 1789, *and the* 10*th February,* 1790, *and subsequent dates. Passed on the* 1*st May,* 1793.

IX.

A REGULATION *for re-enacting, with Alterations and Modifications, the Regulations passed by the Governor General in Council on the* 3*d December,* 1790, *and subsequent Dates, for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors. Passed on the* 1*st May,* 1793.

X.

A REGULATION *for re-enacting, with Modifications, the Rules passed by the Governor General in Council on the* 15*th July,* 1791, *and subsequent Dates, for the Establishment and Guidance of the Court of Wards relative to disqualified Landholders, and their Estates. Passed on the* 1*st May,* 1793.

XI.

A REGULATION *for removing certain Restrictions to the Operation of the Hindoo and Mahomedan Laws with regard to the Inheritance of landed Property subject to the Payment of Revenue to Government. Passed on the* 1*st May,* 1793.

XII.

A REGULATION *for the Appointment of the Hindoo and Mahomedan law Officers of the civil and criminal Courts of Judicature. Passed on the* 1*st May,* 1793.

XIII.

A REGULATION *for the Appointment of the ministerial Officers of the civil and criminal Courts of Judicature, and prescribing their respective Duties. Passed on the* 1*st May,* 1793.

XIV.

A REGULATION *for the Recovery of Arrears of the public Revenue assessed upon the Lands, from Zemindars, independent Talookdars, and other actual Proprietors of Land, and Farmers of Land holding Farms immediately of Government. Passed on the* 1*st May,* 1793.

XV.

A REGULATION *for fixing the Rates of Interest on past and future Loans. Passed on the* 1*st May,* 1793.

XVI.

A REGULATION *for referring Suits to Arbitration, and submitting certain Cases to the Decision of the Nazim. Passed on the* 1*st May,* 1793.

XVII.

A REGULATION *for re-enacting, with Alterations and Amendments, the Regulations passed by the Governor General in Council on the* 20*th July,* 1792, *for empowering Landholders and Farmers of Land, to distrain and sell the personal Property of Under-farmers, Ryots, and dependant Talookdars, and (in certain specified Cases) their Sureties, for Arrears of Rent or Revenue; and for preventing Landholders and Farmers of Land, confining or inflicting corporal Punishment on their Under-farmers, Ryots, and dependant Talookdars, or their Sureties, to enforce Payment of Arrears Passed on the* 1*st May,* 1793.

XVIII.

A REGULATION *for preserving complete the Records of the civil and criminal Courts of Judicature; and requiring the Zillah and City Courts to transmit monthly Reports of the Suits decided by them to the Provincial Courts*

Courts of Appeal; and directing the Provincial Courts of Appeal to submit monthly Reports of the Appeals and Causes decided by them to the Sudder Dewanny Adawlut. Passed on the 1st May, 1793.

XIX.

A REGULATION *for re-enacting, with Modifications, the Rules passed by the Governor General in Council on the 1st December,* 1790, *for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Lands exempted from the Payment of Revenue to Government under Grants not being of the Description of those termed Badshahee or Royal; and for determining the Amount of the annual Assessment to be imposed on Lands so held, which may be adjudged or become liable to the Payment of public Revenue. Passed on the 1st May,* 1793.

XX.

A REGULATION *for empowering the Zillah and City Courts, the Provincial Courts of Appeal, and the Sudder Dewanny Adawlut, and the Nizamut Adawlut, to propose Regulations regarding Matters coming within their Cognizance. Passed on the 1st May,* 1793.

XXI.

A REGULATION *for establishing in each Zillah an Office for keeping the Records in the native Languages which relate to the public Revenue, and prescribing Rules for the Conduct of the Keepers of the Records. Passed on the 1st May,* 1793.

XXII.

A REGULATION *for re-enacting, with Alterations and Amendments, the Regulations passed by the Governor General in Council on the 7th December,* 1792, *for the Establishment of an efficient Police throughout the Country. Passed on the 1st May,* 1793.

XXIII.

A REGULATION *for raising an annual Fund for defraying the Expence of the police Establishments entertained under Regulation XXII.* 1793. *Passed on the 1st May,* 1793.

XXIV.

A REGULATION *for re-enacting, with Modifications, the Rules passed by the Governor General in Council on the 10th June,* 1791, *for determining the Continuance or Discontinuance of the Pensions heretofore paid by the Proprietors and Farmers of Land, but included in the Jumma or Revenue payable to Government at the decennial Settlement; and also of the Pensions heretofore paid from the Sayer abolished. Passed on the 1st May,* 1793.

XXV.

A REGULATION *for the Division of Estates paying Revenue to Government, and for allowing two or more Proprietors of Shares of an Estate, to hold their Shares as a joint undivided Estate. Passed on the 1st May,* 1793.

XXVI.

A REGULATION *for extending the Term of Minority of Mahomedan and Hindoo Proprietors of Land paying Revenue to Government, to the Expiration of the eighteenth Year. Passed on the 1st May,* 1793.

XXVII.

A REGULATION *for re-enacting, with Alterations and Modifications, the Rules passed by the Governor General in Council on the 11th June and the 28th July,* 1790, *and subsequent Dates, for the Resumption and Abolition of the Sayer, or internal Duties and Taxes, throughout Bengal, Behar, and Orissa; and for adjusting and paying the Deductions and Compensations directed to be granted to the Proprietors and Farmers of Estates paying Revenue to Government, and the Holders of Property exempt from the Payment of Revenue to Government, on Account of the Duties and Taxes abolished. Passed on the 1st May,* 1793.

XXVIII.

XXVIII.

A REGULATION *for prohibiting British Subjects (excepting King's Officers serving under the Presidency of Fort William, and the civil covenanted Servants of the Company, and their Military Officers) residing at a greater Distance from Calcutta than ten Miles, unless they render themselves amenable to the Courts of Dewanny Adawlut, in civil Suits which may be instituted against them by any of the Descriptions of Persons mentioned in Section 7, Regulation III.* 1793 *; and for enabling British Subjects to recover any Demands recoverable under the Regulations, which they may have upon such Persons. Passed on the* 1*st May*, 1793.

XXIX.

A REGULATION *for re-enacting, with Alterations and Amendments, the Rules passed on the* 10*th December*, 1788, *and subsequent Dates, for the Conduct of the Salt Agents, and all Persons employed, or concerned, in the Provision of Salt on account of Government. Passed on the* 1*st May*, 1793.

XXX.

A REGULATION *for preventing the illicit Manufacture or Importation of Salt. Passed on the* 1*st May*, 1793.

XXXI.

A REGULATION *for re-enacting, with Modifications and Amendments, the Rules passed on the* 23*d July*, 1787, *and subsequent Dates, for the Conduct of the Commercial Residents, and Agents, and all persons employed, or concerned, in the Provision of the Company's Investment. Passed on the* 1*st May*, 1793.

XXXII.

A REGULATION *for enacting into a Regulation, the Terms of the Contracts concluded for the Provision of Opium on account of Government, in the Provinces of Bengal, Behar, and Orissa, from the* 1*st September*, 1793, *to the* 31*st August*, 1797 *; and for preventing illicit Trade in that Article. Passed on the* 1*st May*, 1793.

XXXIII.

A REGULATION *for re-enacting, with Modifications, the Rules passed on the* 11*th February, and* 21*st October*, 1791, *for repairing the Dykes, and Embankments, kept in Repair at the public Expence ; and for encouraging the digging of Tanks or Reservoirs, and Watercourses. Passed on the* 1*st May*, 1793.

XXXIV.

A REGULATION *for re-enacting, with Modifications, the Rules passed on the* 16*th April*, 1790, *and subsequent Dates, for levying a Tax upon intoxicating Liquors and Drugs, and for preventing the illicit Manufacture or Vend of them. Passed on the* 1*st May*, 1793.

XXXV.

A REGULATION *for re-enacting, with Amendments, the Rules passed on the* 20*th June*, 24*th October, and* 21*st November*, 1792, *and subsequent Dates, for reforming the gold and silver Coin in Bengal, Behar, and Orissa ; and prohibiting the Currency of any gold or silver Coin in those Provinces but the nineteenth Sun Sicca Rupee, or the nineteenth Sun Gold Mohur, or their respective Divisions and Sub-divisions, into Halves and Quarters ; and for preventing the Counterfeiting, Debasing, or Defacing of the Coin. Passed on the* 1*st May*, 1793.

XXXVI.

A REGULATION *for establishing a Registry for Wills, and Deeds for the Transfer, or Mortgage, of real Property. Passed on the* 1*st May*, 1793.

XXXVII.

XXXVII.

A REGULATION *for re-enacting, with Modifications, the Rules passed on the 23d April,* 1788, *and subsequent Dates, for trying the Validity of the Titles of Persons holding, or claiming a right to hold, Altumgah, Jaghire, and other Lands, exempt from the Payment of Public Revenue, under Grants termed Badshahee or Royal; and for determining when certain Grants of that Description shall be considered to have expired; and for fixing the Amount of the public Revenue to be assessed upon the Lands the Grants for which may expire, or be adjudged invalid. Passed on the* 1*st May,* 1793.

XXXVIII.

A REGULATION *for re-enacting, with Modifications, such Part of the Rule passed on the* 27*th June,* 1787, *as prohibits covenanted civil Servants of the Company employed in the Administration of Justice, or the Collection of the public Revenue, lending Money to Zemindars, independent Talookdars, or other actual Proprietors of Land, or dependant Talookdars, or Farmers of Land holding Farms immediately of Government, or the Under-farmers, or Ryots, of the several Descriptions of Proprietors and Farmers of Land abovementioned, or their respective Sureties; and for re-enacting, with Alterations, the existing Rules prohibiting Europeans of any Description holding Possession of Lands that may be mortgaged to them, or purchasing or renting Lands for erecting Houses or Buildings for carrying on Manufactures, or other Purposes, without the Sanction of the Governor General in Council. Passed on the* 1*st May,* 1793.

XXXIX.

A REGULATION *for the Appointment of the Cauzy Ul Cozaat, or head Cauzy of Bengal, Behar, and Orissa, and the Cauzies stationed in the several Districts; and prescribing their respective Duties. Passed on the* 1*st May,* 1793.

XL.

A REGULATION *for granting Commissions to Natives to hear and decide civil Suits for Sums of Money, or personal Property, of a Value not exceeding fifty Sicca Rupees; and prescribing Rules for the Trial of the Suits, and enforcing the Decisions which may be passed upon them. Passed on the* 1*st May,* 1793.

XLI.

A REGULATION *for forming into a regular Code, all Regulations that may be enacted for the internal Government of the British Territories in Bengal. Passed on the* 1*st May,* 1793.

XLII.

A REGULATION *for re-enacting, with Modifications, the existing Rules for the Collection of the Government and Calcutta Customs. Passed on the* 1*st May,* 1793.

XLIII.

A REGULATION *for re-enacting, with Modifications, the Rules passed on the* 25*th February* 1793, *for granting Lands to invalided native Officers, and private Soldiers. Passed on the* 1*st May,* 1793.

XLIV.

A REGULATION *for prohibiting the fixing the Jumma of dependant Talooks, or granting Leases, or Pottahs, for a term exceeding ten Years; and, in cases of Lands being disposed of at public Sale for the Discharge of Arrears of Public Revenue, for rendering null and void, all Engagements (with certain Exceptions) subsisting between the defaulting Proprietor, and his dependant Talookdars, Under-farmers, and Ryots, for the Payment of Rent, or Revenue, on account of the Lands so sold. Passed on the* 1*st May,* 1793.

XLV.

A REGULATION *for disposing of Malguzaree and Lakheraje Lands at public Sale, pursuant to Decrees of the Courts of Justice. Passed on the* 1*st May,* 1793.

TITLES OF THE REGULATIONS.

XLVI.

A REGULATION *for admitting Persons of certain Descriptions to sue in the Courts of Civil Judicature as Paupers. Passed on the* 1*st May*, 1793.

XLVII.

A REGULATION *for providing for Differences of Opinion between the Judges of the Provincial Courts of Appeal, and Courts of Circuit, and prescribing Rules regarding other Matters connected with their official Situations. Passed on the* 1*st May*, 1793.

XLVIII.

A REGULATION *for forming a Quinquennial Register of the landed Estates in Bengal, Behar, and Orissa, subject to the Payment of Revenue to Government; and of the Amount of the fixed annual Revenue payable to Government from each Estate. Passed on the* 1*st May*, 1793.

XLIX.

A REGULATION *for preventing Affrays respecting disputed Boundaries. Passed on the* 28*th June*, 1793.

L.

A REGULATION *for empowering the Court of Wards, to exempt female Proprietors whom they may deem competent to the Management of their own Estates, from the Operation of Regulation X.* 1793, *and for modifying certain other Rules contained in that Regulation. Passed on the* 6*th December*, 1793.

LI.

A REGULATION *for punishing Persons convicted of the illicit Manufacture, or Vend, of intoxicating Liquors or Drugs, who may be unable to pay the Penalty prescribed in Regulation XXXIV.* 1793; *and for defining more accurately the Amount of the Penalty to be exacted for such Offences. Passed on the* 27*th December*, 1793.

BENGAL SECRETARIAT LIBRARY

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A. D. 1793. REGULATION I.

A REGULATION *for enacting into a Regulation, certain Articles of a Proclamation bearing date the* 22*d March*, 1793.—PASSED *by the Governor General in Council on the* 1*st May*, 1793, *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

THE following articles of the proclamation relative to the limitation of the public demand upon the lands, addressed by the Governor in General in Council to the *zemindars*, independent *talookdars*, and other actual proprietors of land paying revenue to Government, in the provinces of Bengal, Behar, and Orissa, are hereby enacted into a regulation, which is to have force and effect from the 22d March 1793, the date of the proclamation.

Decennial settlement declared conditionally permanent by the original regulations.

II. PROCLAMATION. ART. I.—In the original regulations for the decennial settlement of the public revenues of Bengal, Behar, and Orissa, passed for those provinces respectively, on the 18th September 1789, the 25th November 1789, and the 10th February 1790, it was notified to the proprietors of land with or on behalf of whom a settlement might be concluded, that the *jumma* assessed upon their lands under those regulations, would be continued after the expiration of the ten years, and remain unalterable for ever, provided such continuance should meet with the approbation of the Honourable Court of Directors for the affairs of the East India Company, and not otherwise.

Governor General in Council empowered to declare the *jumma* assessed upon the lands under those regulations, fixed for ever.

III. ART. II.—The Marquis CORNWALLIS, Knight of the most noble order of the Garter, Governor General in Council, now notifies to all *zemindars*, independent *talookdars*, and other actual proprietors of land paying revenue to Government, in the provinces of Bengal, Behar, and Orissa, that he has been empowered by the Honourable Court of Directors for the affairs of the East India Company, to declare the *jumma* which has been, or may be, assessed upon their lands under the regulations abovementioned, fixed for ever.

Jumma assessed upon the lands of proprietors with or on behalf of whom a settlement has been concluded, declared fixed for ever.

IV. ART. III.—The Governor General in Council accordingly declares to the *zemindars*, independent *talookdars*, and other actual proprietors of land, with or on behalf of whom a settlement has been concluded under the regulations above mentioned, that at the expiration of the term of the settlement, no alteration will be made in the assessment which they have respectively engaged to pay, but that they, and their heirs, and lawful successors, will be allowed to hold their estates at such assessment for ever.

Jumma which may be hereafter agreed to by the proprietors whose lands are held *khas*, or let in farm, declared fixed for ever.

V. ART. IV.—The lands of some *zemindars*, independent *talookdars*, and other actual proprietors of land, having been held *khas*, or let in farm, in consequence of their refusing to pay the assessment required of them under the regulations above mentioned, the Governor General in Council now notifies to the *zemindars*, independent *talookdars*, and other actual proprietors of land, whose lands are held *khas*, that they shall be restored to the management of their lands, upon their agreeing to the payment of the assessment which has been, or may be required of them, in conformity to the regulations above mentioned; and

 that

that no alteration shall afterwards be made in that assessment, but that they, and their heirs, and lawful successors, shall be permitted to hold their respective estates at such assessment for ever: and he declares to the *zemindars*, independent *talookdars*, and other actual proprietors of land, whose lands have been let in farm, that they shall not regain possession of their lands, before the expiration of the period for which they have been farmed (unless the farmers shall voluntarily consent to make over to them the remaining term of their lease, and the Governor General in Council shall approve of the transfer); but that at the expiration of that period, upon their agreeing to the payment of the assessment which may be required of them, they shall be reinstated, and that no alteration shall afterwards be made in that assessment, but that they, and their heirs, and lawful successors, shall be allowed to hold their respective estates at such assessment for ever.

Jumma at which lands belonging to Government may be transferred to individuals, declared fixed for ever.

VI. Art. V.—In the event of the proprietary right in lands that are, or may become, the property of Government, being transferred to individuals, such individuals, and their heirs, and lawful successors, shall be permitted to hold the lands at the assessment at which they may be transferred for ever.

Assessment in former times liable to variation at the discretion of Government.

VII. Art. VI.—It is well known to the *zemindars*, independent *talookdars*, and other actual proprietors of land, as well as to the inhabitants of Bengal, Behar, and Orissa, in general, that from the earliest times, until the present period, the public assessment upon the lands has never been fixed, but that, according to established usage and custom, the rulers of these provinces have, from time to time, demanded an increase of assessment from the proprietors of land; and that, for the purpose of obtaining this increase, not only frequent investigations have been made to ascertain the actual produce of their estates, but that it has been the practice to deprive them of the management of their lands, and either to let them in farm, or to appoint officers on the part of Government to collect the assessment immediately from the *ryots*. The Honourable Court of Directors, considering these usages and measures to be detrimental to the prosperity of the country, have, with a view to promote the future ease and happiness of the people, authorized the foregoing declarations; and the *zemindars*, independent *talookdars*, and other actual proprietors of land, with or on behalf of whom a settlement has been, or may be, concluded, are to consider these orders, fixing the amount of the assessment, as irrevocable, and not liable to alteration by any persons whom the Court of Directors may hereafter appoint to the administration of their affairs in this country.

Motives of the Court of Directors for abolishing this usage, and fixing the assessment, which is declared unalterble by any future Government.

Proprietors expected to improve their estates, in consequence of the profits being secured to them.

The Governor General in Council trusts that the proprietors of land, sensible of the benefits conferred upon them by the public assessment being fixed for ever, will exert themselves in the cultivation of their lands, under the certainty that they will enjoy exclusively the fruits of their own good management and industry, and that no demand will ever be made upon them, or their heirs, or successors, by the present, or any future Government, for an augmentation of the public assessment, in consequence of the improvement of their respective estates.

Conduct to be observed by the proprietors of land towards their dependant *talookdars* and *ryots*.

To discharge the revenues at the stipulated periods without delay or evasion, and to conduct themselves with good faith and moderation towards their dependant *talookdars* and *ryots*, are duties at all times indispensably required from the proprietors of land; and a strict observance of those duties is now more than ever incumbent upon them, in return for the benefits which they will themselves derive from the orders now issued. The Governor General in Council therefore expects, that the proprietors of land will not only act in this manner themselves towards their dependant *talookdars* and *ryots*, but also enjoin the strictest adherence to the same principles, in the persons whom they may appoint to collect the rents from them. He further expects, that without deviating from this line of conduct, they will regularly discharge the revenue in all seasons; and he accordingly notifies to them, that in future no claims or applications, for suspensions, or remissions, on account of drought, inundation or other calamity of season, will be attended to, but that in the event of any *zemindar*, independent *talookdar*, or other actual proprietor of land with or on behalf of whom a settlement has been, or may be, concluded, or his or her heirs, or successors, failing in the punctual discharge of the public revenue which has been, or may be, assessed upon their lands under the abovementioned regulations, a sale of the whole of the lands of the defaulter, or such portion of them as may be sufficient to make good the arrear, will positively, and invariably take place.

No claims for remissions or suspensions to be admitted on any account.

Lands of proprietors to be invariably sold for arrears.

VIII. Art. VII.—To prevent any misconstruction of the foregoing articles, the Governor General in Council thinks it necessary to make the following declarations to the *zemindars*, independent *talookdars*, and other actual proprietors of land.

Government to enact such regulations as they may think necessary for the welfare of the dependant *talookdars* and cultivators, and proprietors not to withhold the revenue on that account.

First. It being the duty of the ruling power to protect all classes of people, and more particularly those who from their situation are most helpless, the Governor General in Council will, whenever he may deem it proper, enact such regulations as he may think necessary for the protection and welfare of the dependant *talookdars*, *ryots*, and other cultivators of the soil, and no *zemindar*, independent *talookdar*, or other actual proprietor of land, shall be entitled on this account to make any objection to the discharge of the fixed assessment, which they have respectively agreed to pay.

All internal duties that may be hereafter established to belong exclusively to Government.

Second. The Governor General in Council having on the 28th July 1790, directed the *sayer* collections to be abolished, a full compensation was granted to the proprietors of land, for the loss of revenue sustained by them in consequence of this abolition; and he now declares, that if he should hereafter think it proper to re-establish the *sayer* collections, or any other internal duties, and to appoint officers on the part of Government to collect them, no proprietor of land will be admitted to any participation thereof, or be entitled to make any claims for remissions of assessment on that account.

Jumma that may be assessed on alienated lands to belong exclusively to Government.

Third. The Governor General in Council will impose such assessment as he may deem equitable, on all lands at present alienated and paying no public revenue, which have been, or may be, proved to be held under illegal or invalid titles. The assessment so imposed will belong to Government, and no proprietor of land will be entitled to any part of it.

Police allowances in land or money received by proprietors whose *jumma* is declared fixed, resumable by Government.

Fourth. The *jumma* of those *zemindars*, independent *talookdars*, and other actual proprietors of land, which is declared fixed in the foregoing articles, is to be considered entirely unconnected with, and exclusive of, any allowances which have been made to them in the adjustment of their *jumma*, for keeping up *thanas*, or police establishments, and also of the produce of any lands, which they may have been permitted to appropriate for the same purpose; and the Governor General in Council reserves to himself the option of resuming the whole or part of such allowances, or produce of such lands, according as he may think proper, in consequence of his having exonerated the proprietors of land from the charge of keeping the peace, and appointed officers on the part of Government to superintend the police of the country. The Governor General in Council however declares, that the allowances, or produce of lands, which may be resumed, will be appropriated to no other purpose but that of defraying the expence of the police; and that instructions will be sent to the collectors, not to add such allowances, or the produce of such lands, to the *jumma* of the proprietors of land, but to collect the amount from them separately.

Allowances that may be so resumed not to be added to the *jumma*, but to be collected separately, and applied solely to the police.

Estates of disqualified proprietors not liable to sale for arrears of assessment accruing whilst they are deprived of the management of them.

Fifth. Nothing contained in this proclamation, shall be construed to render the lands of the several descriptions of disqualified proprietors, specified in the first article of the regulations regarding disqualified landholders passed on the 15th July 1791, liable to sale for any arrears which have accrued, or may accrue, on the fixed *jumma* that has been, or may be, assessed upon their lands under the abovementioned regulations for the decennial settlement, provided that such arrears have accrued, or may accrue, during the time that they have been, or may be, dispossessed of the management of their lands, under the said regulations of the 15th July 1791. It is to be understood however, that whenever all or any of the descriptions of disqualified landholders specified in the first article of the last mentioned regulations, shall be permitted to assume, or retain, the management of their lands in consequence of the ground of their disqualification no longer existing, or of the Governor General in Council dispensing with, altering, or abolishing those regulations, the lands of such proprietors will be held responsible for the payment of the fixed *jumma*, that has been, or may be, assessed thereon, from the time that the management may devolve upon them, in the same manner as the lands of all actual proprietors of land who are declared qualified for the management of their estates, and also of all actual proprietors who are unqualified for such management, by natural or other disabilities, but do not come within the descriptions of disqualified landholders specified in the first article of the regulations of the 15th July 1791, are, and will be, held answerable for any arrears that are, or may become, due from them on the fixed *jumma* which they, or any persons on their behalf, have engaged, or may engage, to pay under the abovementioned regulations for the decennial settlement.

IX.

Proprietors declared privileged to transfer their lands without the sanction of Government.

IX. Art. VIII.—That no doubt may be entertained, whether proprietors of land are entitled, under the existing regulations, to dispose of their estates without the previous sanction of Government, the Governor General in Council notifies to the *zemindars*, independent *talookdars*, and other actual proprietors of land, that they are privileged to transfer to whomsoever they may think proper, by sale, gift, or otherwise, their proprietary rights, in the whole, or any portion, of their respective estates, without applying to Government for its sanction to the transfer; and that all such transfers will be held valid, provided that they be conformable to the Mahomedan or the Hindoo laws, (according as the religious persuasions of the parties to each transaction, may render the validity of it determinable by the former or the latter code,) and that they be not repugnant to any regulations now in force which have been passed by the British administrations, or to any regulations that they may hereafter enact.

Provided the transfer be conformable to law, and not contrary to any existing regulation.

Rules for apportioning the fixed *jumma* on portions of estates, in the event of their being disposed of at public sale, or transferred by the proprietors, and on shares of estates divided amongst the joint proprietors upon the transfer or division being notified to the collector, or other prescribed officer, and the *jumma* so adjusted declared fixed for ever.

X. Art. IX.—From the limitation of the public demand upon the lands, the neat income, and consequently the value (independent of increase of rent obtainable by improvements) of any landed property for the assessment on which a distinct engagement has been or may be entered into between Government and the proprietor, or that may be separately assessed, although included in one engagement with other estates belonging to the same proprietor, and which may be offered for public or private sale entire, will always be ascertainable by a comparison of the amount of the fixed *jumma* assessed upon it, (which, agreeably to the foregoing declarations, is to remain unalterable for ever, to whomsoever the property may be transferred,) with the whole of its produce, allowing for the charges of management. But it is also essential, that a notification should be made of the principles upon which the fixed assessment charged upon any such estate, will be apportioned on the several divisions of it, in the event of the whole of it being transferred by public or private sale, or otherwise, in two or more lots, or of a portion of it being transferred in one, or in two or more lots, or of its being joint property, and a division of it being made amongst the proprietors; otherwise, from the want of a declared rule for estimating the proportion of the fixed *jumma* with which the several shares would be chargeable in such cases, the real value of each share would be uncertain, and consequently the benefits expected to result from fixing the public assessment upon the lands would be but partially obtained. The Governor General in Council has accordingly prescribed the following rules for apportioning the fixed assessment in the several cases above mentioned; but as Government might sustain a considerable loss of revenue by disproportionate allotments of the assessment, were the apportioning of it in any of the cases above specified to be left to the proprietors, he requires, that all such transfers or divisions as may be made by the private act of the parties themselves, be notified to the collector of the revenue of the *zillah* in which the lands may be situated, or such other officer as Government may in future prescribe, in order that the fixed *jumma* assessed upon the whole estate may be apportioned on the several shares in the manner hereafter directed, and that the names of the proprietors of each share, and the *jumma* charged thereon, may be entered upon the public registers, and that separate engagements for the payment of the *jumma* assessed upon each share may be executed by the proprietors, who will thenceforward be considered as actual proprietors of land. And the Governor General in Council declares, that if the parties to such transfers or divisions shall omit to notify them to the collector of the revenue of the *zillah*, or such other officer as may be hereafter prescribed for the purposes before mentioned, the whole of such estate will be held responsible to Government for the discharge of the fixed *jumma* assessed upon it, in the same manner as if no such transfer or division had ever taken place. The Governor General in Council thinks it necessary further to notify, in elucidation of the declarations contained in this article, (which are conformable to the principles of the existing regulations,) that if any *zemindar*, independent *talookdar*, or other actual proprietor of land, shall dispose of a portion of his or her lands as a dependant *talook*, the *jumma* which may be stipulated to be paid by the dependant *talookdar*, will not be entered upon the records of Government, nor will the transfer exempt such lands from being answerable, in common with the remainder of the estate, for the payment of the public revenue assessed upon the whole of it, in the event of the proprietor, or his or her heirs or successors, falling in arrear from any cause whatever, nor will it be allowed in any case to affect the rights or claims of Government, any more than if it had never taken place.

But the transfer of dependant *talooks*, not to affect the rights or claims of Government in any respect.

First.

First. In the event of the whole of the lands of a *zemindar*, independent *talookdar*, or other actual proprietor of land, with or on behalf of whom a settlement has been, or may be, concluded, under the regulations above mentioned, being exposed to public sale by the order of the Governor General in Council, for the discharge of arrears of assessment, or in consequence of the decision of a court of justice, in two or more lots, the assessment upon each lot shall be fixed at an amount, which shall bear the same proportion to its actual produce, as the fixed assessment upon the whole of the lands sold may bear to the whole of their actual produce. This produce shall be ascertained in the mode that is, or may be, prescribed by the existing regulations, or such other regulations as the Governor General in Council may hereafter adopt; and the purchaser or purchasers of such lands, and his, or her, or their heirs and lawful successors, shall hold them at the *jumma* at which they may be so purchased, for ever.

Second. When a portion of the lands of a *zemindar*, independent *talookdar*, or other actual proprietor of land, with or on behalf of whom a settlement has been, or may be, concluded, under the regulations before mentioned, shall be exposed to public sale by order of the Governor General in Council, for the liquidation of arrears of assessment, or pursuant to the decision of a court of justice, the assessment upon such lands, if disposed of in one lot, shall be fixed at an amount which shall bear the same proportion to their actual produce, as the fixed assessment upon the whole of the lands of such proprietor, including those disposed of, may bear to the whole of their actual produce. If the lands sold shall be disposed of in two or more lots, the assessment upon each lot shall be fixed at an amount, which shall bear the same proportion to its actual produce, as the fixed assessment upon the whole of the lands of such proprietor, including those sold, may bear to the whole of their actual produce. The actual produce of the whole of the lands of such proprietor, whether the portion of them which may be sold be disposed of in one or in two or more lots, shall be ascertained in the mode that is or may be prescribed by the existing regulations, or such other regulations as the Governor General in Council may hereafter enact; and the purchaser or purchasers of such lands, and his, or her, or their heirs or successors, will be allowed to hold them at the *jumma* at which they may be so purchased for ever; and the remainder of the public *jumma*, which will consequently be payable by the former proprietor of the whole estate on account of the portion of it that may be left in his or her possession, will continue unalterable for ever.

Third. When a *zemindar*, independent *talookdar*, or other actual proprietor of land, with or on behalf of whom a settlement has been, or may be, concluded, shall transfer the whole of his or her estate, in two or more distinct portions, to two or more persons, or a portion thereof to one person, or to two or more persons in joint property, by private sale, gift, or otherwise, the assessment upon each distinct portion of such estate so transferred, shall be fixed at an amount which shall bear the same proportion to its actual produce, as the assessment upon the whole of the estate of the transferring proprietor, of which the whole or a portion may be so transferred, may bear to the whole of its actual produce. This produce shall be ascertained in the mode that is, or may be, prescribed in the existing regulations, or such other regulations as Government may hereafter adopt; and the person or persons to whom such lands may be transferred, and his, or her, or their heirs and lawful successors, shall hold them at the *jumma* at which they may be so transferred, for ever: and, where only a portion of such estates shall be transferred, the remainder of the public *jumma*, which will consequently be payable by the former proprietor of the whole estates on account of the lands that may remain in his or her possession, shall be continued unalterable for ever.

Fourth. Whenever a division shall be made of lands, the settlement of which has been, or may be, concluded with or on behalf of the proprietor or proprietors, and that are, or may become, the joint property of two or more persons, the assessment upon each share shall be fixed at an amount, which shall bear the same proportion to its actual produce, as the fixed *jumma* assessed upon the whole of the estate divided, may bear to the whole of its actual produce. This produce shall be ascertained in the mode that is, or may be, prescribed by the existing regulations, or such other regulations as the Governor General in Council may hereafter adopt; and the sharers, and their heirs and lawful successors, shall hold their respective shares at the *jumma* which may be so assessed upon them for ever.

Rules for adjusting the *jumma* of lands held *khas*, or let in farm, in the event of the whole or any part of them being disposed of by public sale, or private transfer, or divided amongst the proprietors, and the *jumma* so adjusted declared fixed for ever.

XI. Art. X. The following rules are prescribed respecting the adjustment of the assessment on the lands of *zemindars*, independent *talookdars*, and other actual proprietors of land, whose lands are or may be held *khas* or let in farm, in the event of their being disposed of by public sale, or transferred by any private act of the proprietor, or of their being joint property, and a division of them taking place amongst the proprietors.

First. If the whole, or a portion, of the lands of a *zemindar*, independent *talookdar*, or other actual proprietor of land, who may not have agreed to the payment of the assessment proposed to him or her under the regulations above mentioned, and whose lands are or may be held *khas*, or let in farm, shall be exposed to public sale, in one or in two or more lots, pursuant to the decree of a court of justice, such lands, if *khas*, shall be disposed of at whatever assessment the Governor General in Council may deem equitable, and the purchaser or purchasers of such lands, and his or her or their heirs and lawful successors, shall hold the lands at the assessment at which they may be so purchased for ever. If the lands, at the time of their being exposed to sale, shall be held in farm, and shall be put up in one or in two or more lots, they shall be disposed of under the following conditions. The purchaser or purchasers shall receive, during the unexpired part of the term of lease of the farmer, whatever such proprietor shall have been entitled to receive in virtue of his or her proprietary rights, on account of the lands so purchased, and such purchaser or purchasers shall engage to pay, at the expiration of the lease of the farmer, such assessment on account of the lands as Government may deem equitable. The sum to be received by the purchaser or purchasers during the unexpired part of the term of the lease of the farmer, and the *jumma* to be paid by such purchaser or purchasers after the expiration of the lease, shall be specified at the time of the sale; and such purchaser or purchasers, and his or her or their heirs and lawful successors, shall be allowed to hold the lands at the assessment at which they may be so purchased, for ever.

Second. If a *zemindar*, independent *talookdar*, or other actual proprietor of land, whose lands are or may be held *khas*, or let in farm, shall transfer by private sale, gift, or otherwise, the whole or a portion of his or her lands in one, or in two or more lots, the person or persons to whom the lands may be so transferred, shall be entitled to receive from Government, (if the lands are held *khas*,) or from the farmer, (if the lands are let in farm,) the *maliconnah* to which the former proprietor was entitled on account of the lands so transferred. Persons to whom such lands may be so transferred, will stand in the same predicament as the *zemindars*, independent *talookdars*, or other actual proprietors of land, mentioned in the fourth article, whose lands are held *khas*, or have been let in farm, in consequence of their refusing to pay the assessment required of them under the beforementioned regulations for the decennial settlement, and the declarations contained in that article are to be held applicable to them.

Third. In the event of a division being made of lands that are, or may become, the joint property of two or more persons, and which are or may be held *khas* or let in farm, the proprietors of the several shares will stand in the same predicament with regard to their respective shares, as the *zemindars*, independent *talookdars*, and other actual proprietors of land specified in the fourth article, whose lands have been let in farm, or are held *khas*, in consequence of their having refused to pay the assessment required of them under the beforementioned regulations for the decennial settlement, and the declarations contained in that article are to be considered applicable to them.

A. D. 1793. REGULATION II.

A REGULATION *for abolishing the Courts of Maal Adawlut or Revenue Courts, and transferring the Trial of the Suits which were cognizable in those Courts, to the Courts of Dewanny Adawlut; and prescribing Rules for the conduct of the Board of Revenue, and the Collectors.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793, *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

IN the British territories in Bengal, the greater part of the materials required for the numerous and valuable manufactures, and most of the other principal articles of export, are the produce of the lands. It follows, that the commerce, and consequently the wealth of the country, must increase in proportion to the extension of its agriculture. But it is not for commercial purposes alone, that the encouragement of agriculture is essential to the welfare of these provinces. The Hindoos, who form the body of the people, are compelled by the dictates of religion to depend solely upon the produce of the lands for subsistence; and the generality of such of the lower orders of the natives as are not of that persuasion, are, from habit or necessity, in a similar predicament. The extensive failure or destruction of the crops, that occasionally arises from drought or inundation, is in consequence invariably followed by famine, the ravages of which are felt chiefly by the cultivators of the soil and the manufacturers, from whose labours the country derives both its subsistence and wealth. Experience having evinced that adequate supplies of grain are not obtainable from abroad in seasons of scarcity, the country must necessarily continue subject to these calamities, until the proprietors and cultivators of the lands shall have the means of increasing the number of the reservoirs, embankments, and other artificial works, by which, to a great degree, the untimely cessation of the periodical rains may be provided against, and the lands protected from inundation; and as a necessary consequence, the stock of grain in the country at large, shall always be sufficient to supply those occasional but less extensive deficiencies in the annual produce, which may be expected to occur notwithstanding the adoption of the above precautions to obviate them. To effect these improvements in agriculture, which must necessarily be followed by the increase of every article of produce, has accordingly been one of the primary objects to which the attention of the British administration has been directed in its arrangements for the internal government of these provinces. As being the two fundamental measures essential to the attainment of it, the property in the soil has been declared to be vested in the landholders, and the revenue payable to Government from each estate has been fixed for ever. These measures have at once rendered it the interest of the proprietors to improve their estates, and given them the means of raising the funds necessary for that purpose. The property in the soil was never before formally declared to be vested in the landholders, nor were they allowed to transfer such rights as they did possess, or raise money upon the credit of their tenures, without the previous sanction of Government. With respect to the public demand upon each estate, it was liable to annual or frequent variation at the discretion of Government. The amount of it was fixed upon an estimate formed by the public officers of the aggregate of the rents payable by the *ryots* or tenants for each *beegha* of land in cultivation,

tivation, of which, after deducting the expenses of collection, ten elevenths were usually considered as the right of the public, and the remainder, the share of the landholder. Refusal to pay the sum required of him, was followed by his removal from the management of his lands, and the public dues were either let in farm or collected by an officer of Government, and the abovementioned share of the landholder, or such sum as special custom, or the orders of Government might have fixed, was paid to him by the farmer, or from the public treasury. When the extension of cultivation was productive only of a heavier assessment, and even the possession of the property was uncertain, the hereditary landholder had little inducement to improve his estate; and monied men had no encouragement to embark their capital in the purchase or improvement of land, whilst not only the profit, but the security for the capital itself was so precarious. The same causes therefore which prevented the improvement of land, depreciated its value. Further measures however are essential to the attainment of the important object above stated. All questions between Government and the landholders respecting the assessment and collection of the public revenues, and disputed claims between the latter and their *ryots*, or other persons concerned in the collection of their rents, have hitherto been cognizable in the courts of *maal adawlut*, or revenue courts. The collectors of the revenue preside in these courts as judges, and an appeal lies from their decisions to the Board of Revenue, and from the decrees of that Board, to the Governor General in Council in the department of revenue. The proprietors can never consider the privileges which have been conferred upon them as secure, whilst the revenue officers are vested with these judicial powers. Exclusive of the objections arising to these courts from their irregular, summary, and often *ex parte* proceedings, and from the collectors being obliged to suspend the exercise of their judicial functions, whenever they interfere with their financial duties, it is obvious that if the regulations for assessing and collecting the public revenue are infringed, the revenue officers themselves must be the aggressors, and that individuals who have been wronged by them in one capacity, can never hope to obtain redress from them in another. Their financial occupations equally disqualify them for administering the laws between the proprietors of land and their tenants. Other security therefore must be given to landed property, and to the rights attached to it, before the desired improvements in agriculture can be expected to be effected. Government must divest itself of the power of infringing, in its executive capacity, the rights and privileges, which, as exercising the legislative authority, it has conferred on the landholders. The revenue officers must be deprived of their judicial powers. All financial claims of the public, when disputed under the regulations, must be subjected to the cognizance of courts of judicature, superintended by judges, who, from their official situations, and the nature of their trusts, shall not only be wholly uninterested in the result of their decisions, but bound to decide impartially between the public and the proprietors of land, and also between the latter and their tenants. The collectors of the revenue must not only be divested of the power of deciding upon their own acts, but rendered amenable for them to the courts of judicature; and collect the public dues, subject to a personal prosecution for every exaction exceeding the amount which they are authorized to demand on behalf of the public, and for every deviation from the regulations prescribed for the collection of it. No power will then exist in the country by which the rights vested in the landholders by the regulations can be infringed, or the value of landed property affected. Land must in consequence become the most desirable of all property, and the industry of the people will be directed to those improvements in agriculture, which are as essential to their own welfare as to the prosperity of the state. The following rules, being the rules passed for the guidance of the collectors and the Board of Revenue on the 8th June 1787, and the 25th April 1788, with alterations adapted to the principles above stated, have been accordingly enacted.

Courts of *maal adawlut* abolished from the 1st May 1793, and the cognizance of causes tried therein transferred to the courts of *dewanny adawlut*.

II. From the 1st May 1793, the courts of *maal adawlut*, or Revenue Courts, shall be abolished, and the trial of the suits which were cognizable in those courts, as well as all judicial powers whatsoever heretofore vested in the collectors of the revenue, or in the Board of Revenue collectively, as a court of appeal, or in any member of that Board individually, shall be transferred to the courts of *dewanny adawlut*.

Collection of the land revenue to be committed to

III. The collection of the revenue payable to Government from the estates in each *zillah*, is to be committed, as heretofore, to a civil covenanted servant of the Company, who is to

to be styled, collector of the revenue of the *zillah* to which he may be appointed. Previous to entering upon the execution of the duties of his office, he is to take the oath prescribed by act of Parliament for servants of the Company employed in the management or collection of the revenue, before one of the Judges of the Supreme Court of Judicature.

civil covenanted servants of the Company. Oath to be taken by collectors.

IV. The collectors are to correspond with the Board of Revenue, and to conform to all instructions with which they have been furnished by that Board, and that are or may not be altered or revoked by this or any other regulation published in the manner directed in Regulation XLI. 1793, and also to all instructions which the Board of Revenue may hereafter transmit to them.

Collectors to correspond with and obey all orders from the Board of Revenue.

V. The collectors of the several *zillahs*, are to use a circular seal, one inch and a half in diameter. The seals of the collectors in Bengal and Orissa, are to bear an inscription to the following effect, in the Bengal and Persian characters and languages; and the seals of the collectors in Behar, a similar inscription in the Persian character and language, and the Hindostanee language and Nagree character. "The seal of the collector of the *zillah* of ——."

Seals of the collectors.

VI. The collectors are to keep a regular diary of their official transactions, either in the English, Persian, or Bengal language, recording and attesting them with their official signature at the time they may take place.

Collectors to keep an attested diary of their official transactions.

VII. The duties prescribed in the following section, are to be performed by the collectors, under the superintendence of the Board of Revenue.

Duties to be performed by the collectors under the superintendence of the Board of Revenue.

VIII. *First.* To collect the amount of the fixed revenue assessed upon the lands of the *zemindars*, independent *talookdars*, or other actual proprietors of land, with or on behalf of whom a settlement has been or may be concluded.

To collect the public dues from proprietors,

Second. To collect the stipulated annual revenue from the farmers of estates let in farm.

and farmers of land,

Third. To levy the rents and revenue from estates held *khas*.

and from lands held *khas*.

Fourth. To make the future settlement of *khas* or farmed estates, agreeably to the regulations, and the instructions which they may receive for that purpose.

To make the future settlement of farmed or *khas* lands.

Fifth. To prosecute for the recovery of the dues of Government from lands, of whatever description, held exempt from the payment of revenue under illegal or invalid tenures.

To prosecute for the public dues from lands illegally held exempt from the payment of revenue.

Sixth. To pay the pensions and allowances included in the public revenue, and the pensions and compensations granted in consequence of the abolition of the *sayer*.

To pay the *zemindarry* pensions included in the public *jumma*, and the *sayer* pensions and compensations.

Seventh. To execute the instructions which may be issued to them by the Court of Wards, regarding disqualified landholders and their estates.

To execute the orders of the Court of Wards.

Eighth. To superintend the division of landed property paying revenue to Government, which may be ordered to be divided into two or more distinct estates.

To superintend the division of estates.

Ninth. To apportion the public revenue on lands ordered to be disposed of at public sale for the discharge of arrears of revenue.

To apportion the *jumma* on lands disposed of at public sale.

Tenth. To collect the tax on spirituous liquors, and intoxicating drugs or articles.

To collect the tax on spirituous liquors or intoxicating drugs or articles.

Eleventh. To procure lands for the native invalid soldiers who may accept of a provision in land.

To procure lands for native invalid soldiers.

Twelfth. To collect the tax for defraying the expence of the police.

To collect the police tax.

Thirteenth. To perform the above, and all other duties, according to the rules that have been or may be prescribed to them, by any regulation published in the manner directed in Regulation XLI. 1793.

To perform the above and all other duties according to the regulations.

Fourteenth. To transmit such annual, monthly, or other accounts, as they now furnish, or may be hereafter required to send, by the Board of Revenue, or any officer under that Board empowered to require such accounts.

To furnish the required annual and other accounts.

Fifteenth.

To conform to all special orders from the Board of Revenue or public officers.

Fifteenth. To conform to all special orders that have been or may be issued to them by the Board of Revenue, or by public officers empowered to issue such orders.

Dewan and native officers to obey the orders of the collector. Not to perform any official act without his sanction. Penalty.

IX. The *dewan*, and all native officers under the collector, are to act agreeably to his orders, and such rules as he may prescribe. They are not to perform any act of authority without his sanction or authority, under pain of being fined in a sum not exceeding six months salary, or of being dismissed from their offices, by the collector, the Board of Revenue, or the Governor General in Council, and also of being sued in the court of judicature for damages by any person who may consider himself aggrieved by such unauthorized act.

Collectors not to employ their private servants in public matters. This prohibition not to prevent their employing their public officers, in the manner authorized.

X. The collectors are prohibited from employing directly or indirectly, their private servants, whether *banyans* or others, in the discharge of any part of their public duties, it being required that in all matters relating to the trust committed to them, they act as the only empowered agents of Government. This prohibition, however, is not meant to restrict them from occasionally employing their assistants or *dewans*, or their inferior public servants, in the cases, and in the manner, in which they are authorized to make use of their agency.

Rules respecting the appointment and removal of native cashkeepers.

XI. The *khezanchee*, or native cash-keeper, in each *zillah*, is to be nominated by the collector, who is to take good and sufficient security from him for the faithful discharge of his trust, and for making good all deficiencies in the public money that may be committed to his charge. The collector is to transmit the names of the person whom he may nominate to the office of *khezanchee*, and of his surety, with a copy of the engagements executed by the latter, to the Board of Revenue; but the person so nominated shall not be considered as appointed until the Board of Revenue shall have signified their approbation both of him and his surety. The native cash-keeper so appointed, shall not be removed but for misconduct, or other sufficient cause proved to the satisfaction of the Board of Revenue; and he and the collector shall be held jointly and severally responsible to Government for the public money committed to their charge.

Form to be observed in issuing public money.

XII. All issues from the treasuries of the collectors are to be made under a warrant signed by the collector, and sealed with the seal of the *zillah*, and countersigned by the *dewan*, who shall write under his signature, the sum for which the warrant may be granted. The native cash-keeper is prohibited paying any money without such written authority, under the penalty of being made responsible for it, should the payment be afterwards found to have been unduly made. These warrants are to be numbered, and a register of them is to be kept in the current language of the country by the keepers of the native records, who are to attest by their respective signatures on the face of the warrant, that it has been duly registered.

Appointment and removal of all native servants vested in the collector. Exceptions. To notify all appointments and removals to the Board of Revenue. Public and registered officers only to be employed in public matters.

XIII. The appointment and dismission of all native public servants on the establishments of the collectorships (the keepers of the native records and the *khezanchee* excepted) are vested in the collectors. But they are to transmit to the Board of Revenue regular notice of all appointments and removals, and are to employ none but such public and registered officers in matters in any respect relating to their official duty, and are not under any plea or pretext, to confer on their public officers any private trust relating to their personal concerns.

In the absence of the collector, the senior assistant to officiate in his room.

XIV. In the event of the death, or removal, of a collector, or of his absence from his station, the senior assistant on the spot is to perform the duties of collector, and the *dewan* and the public officers of the collectorship are accordingly to obey his orders.

Collectors and their officers prohibited being concerned extra officially in the revenues. Native officers, &c. prohibited purchasing lands at public sale in the *zillah*.

XV. No collector, assistant, or *dewan* to a collector, or any native in the employ of a collector, or of an assistant, shall hold directly or indirectly any farm, or be concerned on their private account, in the collection or payment of the revenue of any lands in the *zillah*, either as farmer, surety, or otherwise; and native officers and private servants and dependants of collectors and assistants, are prohibited from purchasing directly or indirectly, any land that the collector may dispose of at public sale, under the penalty of forfeiting the property to Government, upon proof being made to the satisfaction of the Governor General in Council of the property having been so purchased.

This rule not to preclude such native officers or servants from making *bona fide* purchases of land at private sale.

XVI. The rules in the preceding section, however, are not to be considered to prohibit a *dewan* or other native officer of a collector, or any private servant of a collector or of an assistant, from purchasing *bona fide* the proprietary right in lands situated in the *zillah*, by private sale.

XVII.

XVII. No collector shall give land in farm to an European directly or indirectly, or accept the security of a European, for any farmer, dependant *talookdar*, or *ryot*.

Collectors not to give lands in farm to Europeans, or to accept their security for farmers, *talookdars*, or *ryots*.

XVIII. No collector, assistant, or *dewan*, shall directly or indirectly, carry on any trade, or be concerned in any commercial transaction whatever. This prohibition with regard to collectors and their assistants, is declared to extend to the purchase, directly or indirectly, of any goods or commodities in the British dominions in Bengal, for the purpose of remitting money to Europe.

Collectors, assistants, and *dewans* prohibited from trading. This prohibition with regard to collectors and their assistants to extend to the purchase of goods for remitting money to Europe.

XIX. The* dewans *of the collectors are prohibited lending money, directly or indirectly, to any proprietor or farmer of land, dependant* talookdar, *under farmer*, or ryot. *Loans made in opposition to this rule, shall not be recoverable in any court of judicature.*

Dewans *of the collectors prohibited lending money to proprietors of land, &c. Such prohibited loans not recoverable in any court of judicature.*

XX. The collectors are to be careful that the accounts and records of their respective *zillahs*, are kept complete and duly preserved.

Collectors to keep complete, and preserve the public records.

XXI. To render the several *zillahs* as compact as possible, the collectors are to report every instance in which lands included in their respective *zillahs* may be circumscribed by any other *zillah*; and also where lands included in other *zillahs* are circumscribed by their own *zillahs*, in order that such lands may be annexed to the *zillahs* by which they are circumscribed. The collectors are also to send information to the Board of Revenue, of any parts of their *zillahs* which may be intersected by the rivers Ganges, Megna, or Burrampooter.

Rules for rendering the *zillahs* compact.

XXII. The collectors are not to employ sepoys in the collection of the public revenue.

Sepoys not to be employed in the collection of the revenue.

XXIII. Collectors are not to advance money on account of *tuccavy*, without the express sanction of the Board of Revenue.

Collectors not to make advances of *tuccavy* without the orders of the Board of Revenue.

XXIV. The collectors are prohibited deputing any person into the *zillah* of any other collector, or exercising any authority beyond the limits of their respective *zillahs*, excepting in cases in which they may be authorized so to do by a regulation published in the manner directed in Regulation XLI. 1793, or by special orders from a competent authority.

Collectors not to exercise any authority beyond the limits of their respective *zillahs* without general or special orders.

XXV. The collectors are to give monthly receipts for all payments of revenue into their treasuries, specifying the date or dates on which the money may be received, and the species of rupee in which each payment may be made. The keepers of the native records are to keep a register of these receipts regularly numbered. After having registered the receipts, they are to attest on the face of them, the date on which they may be registered. A copy of this register is to be transmitted monthly to the Board of Revenue, or as often as that Board may require. A similar register of receipts is to be kept by all *tehsildars*, *sexawuls*, or other native officers, entrusted with the immediate collection of the public revenue, and a copy of it is to be transmitted to the Collector monthly, or as often as he may require.

Rules with regard to receipts.

XXVI. The monthly, or other receipts, for salaries, pensions, or allowances, of whatever kind, which may be paid by the collectors, are to be deposited amongst the public records of their respective *zillahs*, and a register of them is to be kept by the keepers of the native records. A copy of the register is to be transmitted annually to the Board of Revenue.

Monthly receipts for salaries &c. to be deposited amongst the public records and registered. Copy of the register to be sent annually to the Board of Revenue.

XXVII. To prevent loss of revenue, or confusion in accounts, from the resignation or removal of collectors, no collector is to be permitted to depart from his station, until he shall have either delivered over complete charge of his trust to his successor, or to his assistant, and until notification shall have been made to the Board of Revenue, of his having complied with this rule, and their sanction shall have been obtained for his departure. This rule shall on no account be dispensed with, unless by special permission from the Board of Revenue, which is to be granted only in particular cases that may appear to them to require it.

Collectors resigning or removed, not to quit their station until they have made over complete charge of their trust, and obtained the sanction of the Board of Revenue to their departure.

XXVIII†. The collectors are to pay due attention to all references or requisitions that may be made to them by the president or acting president of the Board of Revenue, for papers, or accounts, or information on matters relating to their public duty.

Collectors to attend to references made by the president or acting president respecting the matters herein specified.

* This section is superseded by Regulation XV. of 1813, sect. 2.
† This and the following section are rescinded by cl. 1, Sect. 2, Reg. III. 1822.

XXIX.

Board of Revenue to superintend the conduct of the collectors.

XXIX. The superintendence of the settlement and collection of the public revenue payable from the lands, and of all other matters entrusted to the collectors, is vested, as heretofore, in a Board of Revenue, consisting of a President, and four other members. Each of the four junior members, previous to entering upon the execution of the duties of his office, is to take the oath prescribed by act of Parliament for servants of the Company employed in the management and collection of the revenue, before one of the Judges of the Supreme Court of Judicature.

To see that the officers under them duly perform their duties. To punish them for disobedience of public regulations. Reporting the circumstances to the Governor General in Council.

XXX. The Board are to be careful that the officers under their authority perform their assigned duties, with regularity, integrity, and assiduity; and they are required to punish the officers under them, as far as the power vested in them for the purpose may allow, for disobedience or inattention to any regulation printed and published in the manner directed in Regulation XLI. 1793, or to any special orders, and to report every such occurrence to the Governor General in Council.

Powers vested in the Board of Revenue to enquire into and punish offences committed by officers subject to their authority.

To summon him to the presidency, or to suspend him from his office.

To fine him.

XXXI. *First.* To enable them to control their officers with effect, they are invested with the following powers for the investigation and punishment of offences committed by any officer subject to their authority, according to their nature and extent.

Second. To summon him to the presidency to explain and justify his conduct, and to suspend him from his office, reporting to the Governor General in Council every instance in which they may exercise these powers.

Third. To impose a fine upon him, not exceeding the amount of his salary for one month.

Such enquiry and punishment not to exempt the officer from being sued in a court of judicature by individuals who may have been injured by his misconduct.

Fourth. It is to be understood, however, that any enquiry which the Board of Revenue may make into the misconduct of any officer subject to their authority, or any fine that they may impose upon him, or order which they may pass respecting him, is not to preclude persons who may have been injured by him, from suing him for the injury in any court of judicature to which he may be amenable.

Rules regarding deputations, the allowances of the persons deputed, and defraying the expence.

XXXII. Deputations ordered by the Board of Revenue are to be immediately reported to the Governor General in Council, with the grounds on which they may have been ordered; and in all instances, admitting of a limitation for completing the business of the deputation, a time is to be fixed for the performance of it, beyond which the person deputed is to receive no allowance or compensation, without explaining the cause of the delay to the full satisfaction of the Board.

Cases in which the Board of Revenue may require the personal attendance of natives.

XXXIII. The Board of Revenue are empowered to require the personal attendance of any proprietor or farmer of land, or any dependant *talookdar*, under farmer, or *ryot*, or any native officer employed under a collector, for the purpose of adjusting any settlement, or examining any accounts, or enquiring into any matter coming within their cognizance, provided the personal attendance of the party shall appear to them indispensably necessary. In such cases, the Board are to direct the collector to serve such person with a written notice under his official seal and signature, specifying the business on account of which his attendance is judged necessary, and requiring him to attend the Board by such period as they may limit, under pain of being subject to such daily fine until he attends, or shows satisfactory cause for his non-attendance, as the Board may think proper to impose. The Board are empowered to fine such persons neglecting to appear by the time required, in such amount as may appear to them proper upon a consideration of the case, and the situation and circumstances in life of the party; and the amount of the fine shall be levied by the collector, by the process prescribed for the recovery of arrears of revenue. But the Board of Revenue are prohibited requiring the personal attendance of any person in cases in which the business can be transacted by a *vakeel.*

Orders of the Board to be sent to the proper executive officers to be enforced.

XXXIV. All* perwannahs, *orders, and directions, issued in consequence of the resolutions of the Board, are to be sent to the proper executive officers to be by them enforced.*

No member excepting the President to perform any separate act of authority. Exception to the rule.

XXXV. No member of the Board, excepting the President as hereafter specially empowered, is to exercise any separate act of authority, unless in cases in which, for the dispatch of business, the Board may think it proper to commit the charge of any specific duty to any member separately.

* This and the following section are rescinded by cl. 1, Sec. 2, Reg. III. 1822.

XXXVI. The Board of Revenue are empowered to issue orders to their subordinate officers for making the settlement of lands that are or may be *khas*, in conformity to the regulations, and any special instructions which may be prescribed to them by the Governor General in Council.

Board of Revenue empowered to issue orders to their subordinate officers for forming the settlement of lands held *khas*.

XXXVII. In all cases of a settlement being made with or on behalf of *zemindars*, independent *talookdars*, or other actual proprietors of land, their lands are to be deemed sufficient security for the payment of the revenue. But where lands are let in farm, a *malzamin*, or surety for the punctual discharge of the revenue, is to be invariably required.

Security for the payment of the revenue not to be demanded from proprietors, but to be required in all cases from farmers.

XXXVIII. No remissions upon the settlement of a preceding year, nor any remissions whatsoever, are to be granted by the Board without the sanction of the Governor General in Council.

Remissions not to be granted without the sanction of the Governor General in Council.

XXXIX. It is to be observed as a general principle, that the settlement of lands that are or may be *khas*, is to be made by the collectors under the regulations, and the instructions of the Board of Revenue. But if the Board should deem a special deputation of one of their members, or of any other person, necessary to form the settlement of any such lands, they are to propose the measure to the Governor General in Council, with their reasons for recommending it.

Settlements to be made by the collectors.

XL. Upon a settlement being concluded with any proprietor or farmer, conformably to the regulations, the Board of Revenue are to issue the usual *bundobusty perwannah* to the proprietor or farmer, without applying to the Governor General in Council for his sanction for that purpose.

Upon a settlement being concluded, the Board of Revenue to issue the usual *bundobusty perwannahs* without reference to the Governor General in Council.

XLI. The collection of the revenue is committed to the collectors; but the Board of Revenue are to see that the revenues are realized by the stipulated periods, or that solid and satisfactory reasons are assigned by the collectors for any delay or deficiency. The power of coercion over the proprietors and farmers of land, is also vested in the collectors, as prescribed in Regulation XIV. 1793.

Revenue to be levied by the collectors. Board of Revenue to see that it is punctually collected, or that satisfactory reasons are assigned for the arrears. Process for the recovery of arrears to be issued by the collectors only.

XLII. The Board are authorized to grant temporary suspensions of the demands of revenue, whenever it may appear to them indispensibly necessary, reporting the sum suspended without delay to the Governor General in Council, with their reasons for the measure. But they are not to grant any suspensions beyond the current year.

Board empowered to grant temporary suspensions. Period for the payment of the sum suspended not to be extended beyond the year in which it may be granted.

XLIII. No remissions of balances are to be granted without the special authority of the Governor General in Council.

Remissions of balances not to be granted without the special sanction of the Governor General in Council.

XLIV. They are also authorized to grant advances of *tuccavy* to proprietors or farmers of land, where it shall appear essentially necessary, in proportions not exceeding five per cent. on the revenue payable from the lands to Government, reporting all such instances to the Governor General in Council. Where a larger sum may be required, his sanction must be previously obtained. The interest to be taken on such advances, is to be one *per cent. per mensem*.

Board of Revenue empowered to advance *tuccavy* under restrictions herein specified.

XLV. The Board of Revenue are to furnish the Governor General in Council with such annual, monthly, or other accounts, as they now are, or may be, required to submit to him. They are likewise to observe all special orders which they have received, or may receive, from the Governor General in Council.

Board of Revenue to furnish the Governor General in Council with the accounts required of them.

XLVI. The Board of Revenue collectively, and individually, are prohibited from being concerned, directly or indirectly, in trade or commerce, (which prohibition is to be understood to extend to the purchase of any goods or commodities in the British dominions in Bengal, for the purpose of remitting money to Europe,) or in any house of agency, or in the direction or management of any bank, or in any transactions for borrowing money with any native revenue officer, or any person responsible for the collection or payment of the public revenue: they are likewise prohibited, without obtaining the previous sanction of the Governor General in Council for that purpose, giving land in farm to any European, directly or indirectly, or accepting the security of a European for any farmer, dependant *talookdar*, or *ryot*, or granting, or confirming any grant, of *malguzaree* or *lakheraje* land, or confirming the succession of any person to such lands, or continuing the pension of any deceased officer, or pensioner, to his family, or making any new general rule whatever.

Prohibitions to be observed by the Board of Revenue.

XLVII.

Board to transmit to the Governor General in Council written acknowledgments for places restored to foreign powers.

XLVII. The Board of Revenue are to transmit to the Governor General in Council, all original acknowledgments which may be delivered to them for places that they may be directed to restore to foreign nations.

To cause separate accounts to be kept of expenses incurred in reducing rebellious *zemindars* or others.

XLVIII. The Board are to cause separate accounts to be kept of all expences incurred in reducing rebellious *zemindars*, or other persons, with a view of obtaining reimbursement from the offenders.

Board to meet on two fixed days in each week, or as often as may be necessary. Two members to form a Board.

XLIX. The Board of Revenue are to assemble on two fixed days in every week, or as much oftener as the exigency of the business may require. Two members shall be sufficient to form a Board.*

President may summon extraordinary meetings.

L. Extraordinary meetings are to be held whenever deemed necessary by the president, who, in such cases, is to order the secretary to send a written summons to each of the members.

Cases in which the president is to summon a meeting at the request of any of the members of the Board. Board to keep minutes of their proceedings, and to refer to the Governor General in Council matters on which his orders may be necessary.

LI. If a member of the Board should have any material business to lay before them, or communications to make to them, which cannot be taken into consideration on the usual days of meeting, he is to inform the president, and request him to order an extra meeting to be summoned; and the president is to comply with the request. The Board are to keep regular minutes of their proceedings, and report to the Governor General in Council, all subjects of importance which may require his sanction, or special instructions, before the execution of any final resolution on them.

President to determine what business shall be first brought before the Board, and to propose resolutions, or specific questions for the opinion of the members. Opinion of the junior member to be first recorded.

LII. The president is to determine what business shall be first brought before the Board, and he is to prescribe the selection and arrangement of it for their consideration. After the papers have been read, he is to propose such resolutions upon them as he may deem proper, for the consideration of the Board at large, or, he may state specific questions for the opinions of the members, beginning with the junior member, whose opinion shall be first taken and recorded.

Minutes or suggestions of members to follow, and the majority of voices to decide.

LIII. After either of these forms have been attended to, any minutes or suggestions that a member may have to offer, are to follow; and the resolutions proposed are to be confirmed, or the questions determined, by the majority of voices.

Any new proposition respecting the matter in debate, how to be discussed.

LIV. If any new proposition relating to the business under debate, shall arise from the minute or suggestions of any member, it is to be discussed after the first resolutions or questions have been disposed of; and for this purpose, the president is to present it for the consideration of the Board.

Rules for cases in which the president shall not propose a resolution or question after the papers are read.

LV. But if the president, after the papers have been read, should decline proposing any resolutions or questions upon them for the consideration and determination of the Board, any other member may propose or deliver to the secretary, the resolutions or questions which he wishes to be considered; and the secretary is to read them, that they may be decided upon, the junior member giving his opinion to be first recorded, the other members delivering their sentiments in order, and the president stating his opinion last.

President to have the casting vote, where the voices are equal.

LVI. In cases in which there shall be a difference of opinion, and where the voices are equal, the president shall have a casting vote.

Resolution of the majority to be carried into execution. Exception to the rule. Proceedings to be referred to the Governor General in Council at the motion of any member. Letter which is to accompany such references.

LVII. The resolution of the majority of the Board, in case of dissentient voices, is to be carried into execution, unless it shall be agreed by the majority to postpone it. The proceedings of the Board are to be referred to the Governor General in Council at the motion of any member; but all such references are to be accompanied with a letter, stating the substance of the subject discussed, with distinct propositions arising from the opinions given thereon, for the decision of the Governor General in Council.

Dissents from the resolution of the majority, where to be entered. Dissenting members at liberty to record the grounds of their dissent at the next meeting. Opinions not to be recorded on the proceedings of the day,

LVIII. Dissents from the resolutions of the majority of the Board are to be entered after the resolutions; but any member who may record his dissent from a resolution of the majority, is to be at liberty to deliver his reasons for that dissent at the next, or a subsequent meeting of the Board. Any member also acceding to, or dissenting from any proposed resolution, may simply record his affirmative or negative at the time, and deliver in the grounds of his vote at a subsequent meeting. But no opinions shall be recorded on

* From this section to the end of the Regulation, rescinded by cl. 1, sect. 2, Reg. III. 1822.

the

the proceedings of the day, unless delivered before the adjournment of the Board, and no alterations made in opinions replied to, without general consent. For the purpose of expediting the despatch of letters in particular cases in which it may be necessary, the signatures of two members to any letter shall be deemed sufficient, and all letters are to be invariably signed when presented without any unnecessary detention. Extracts from proceedings, and other enclosures, duly examined and attested, are not to be delayed for the perusal of the members, the secretary being answerable for the accuracy of the extract, and the examiner for the correctness of the copy.

unless delivered before the adjournment of the Board. Cases in which the signature of two members to a letter shall be sufficient.

Secretary to be responsible that extracts are properly made.

LIX. If any particular business should occur to a member, which is not immediately before the Board amongst the current papers selected for their consideration, or expressly referred to therein, he is to communicate it to the president, that it may be brought forward at a proper time, according to his judgment of its importance, on a comparison with that of the subjects selected for consideration; and, if it should not be discussed at that meeting, the president is required to introduce it as the first subject of discussion at the next.

Rules for cases in which any business of importance may occur to a member, that may not be included amongst the papers selected for the consideration of the Board.

LX. All papers or accounts referred to the Governor General in Council for orders, are to be accompanied by a letter, explaining summarily the business referred, and stating the opinion of the Board respecting it. And in forming the settlement of lands, whenever it may appear to them necessary to grant an abatement on the former jumma, *the amount of the abatement, and the* jumma *proposed, are to be specified in the body of the letter.*

Rules respecting references to the Governor General in Council for orders.

LXI. The Board of Revenue are to be particularly careful to preserve their records complete; and for this purpose, they are to direct an annual list to be formed of all the English records in their office not entered in their books of proceedings, which are to be registered numerically according to the dates of their receipt or record.

Records of the Board to be carefully preserved.

LXII. No member of the Board of Revenue, excepting the president, shall be allowed to have copies of any of the records, excepting of his own minutes; nor shall any officer of the Board have copies of any of the papers for his private use.

No member, excepting the president, shall have copies of any papers but his own minutes. Officers of the Board not allowed to take copies of papers for their own use.

LXIII. For the purpose of preserving the records complete, and ready for inspection at all times, the members are to attend at the house where the Board assemble, for the purpose of consulting the records, whenever they may find it necessary. But if any member of the Board should occasionally wish to peruse any of the records at his own house, he may do it with the consent of the Board, to whom he is to signify his wish at their meeting, receiving them from, and returning them to, one of the secretaries, who is required to keep a memorandum of their delivery and return. It is to be at the option of the Board, to give or refuse their acquiescence to any such application, which the member making it may record or not as he thinks proper, the object of this restriction being to prevent the loss of the records, or any obstruction to the official business, by an unseasonable removal of them.

Rule for keeping the records complete and ready for inspection.

LXIV. On the thirtieth of each calender month, the Board of Revenue are to submit to the Governor General in Council, one complete set of their proceedings for the preceding month, with the usual index and appendix; and as soon afterwards as may be practicable a second complete set, to be forwarded to the Honourable Court of Directors.

Board to furnish copies of their proceedings monthly for the Court of Directors and the Governor General in Council.

LXV. Exclusive of the authority vested in the president of the Board of Revenue by any of the rules above stated, he is declared to possess the following special powers and privileges: to issue of his own authority, during the intervals of the meetings of the Board, such occasional or subsidiary orders as may be necessary for carrying into execution any existing resolutions of the Board, or for the attendance of persons, or for preparing materials for the consideration of the Board, or regarding any matters which the Board may judge it advisable to commit to his separate charge as their executive member.

Special powers of the president.

LXVI. All European and native officers of the Board, are required to obey the orders of the president, in all matters in which he is authorized to issue orders.

Officers of the Board to obey the president.

LXVII. The president of the Board is empowered to require the collectors, and other subordinate officers, to furnish him with papers, accounts, or information, for the use of the Board, or to cause the attendance of individuals whose personal appearance they are authorized to require at the Board.

Collectors and subordinate officers to obey the requisitions of the president in the cases herein specified.

President may have copies of the records or the records themselves sent to him.

LXVIII. The president is also authorized to have copies of any of the records, or to have the records themselves sent to him, whenever he may require them, one of the secretaries in the latter case minuting their delivery and return.

President may adjourn the meeting to the next fixed day of meeting. Not to make two adjournments successively. If he is unable to attend on the second day fixed, the senior member present to preside.

LXIX. The president is authorized to adjourn the meeting of the Board from one of the fixed days, to the succeeding fixed day, in case he should from indisposition, or other cause, be unable to attend; but he is not to make two adjournments successively. If he should be unable to attend on the second day fixed for meeting, the senior member present is to preside in his stead.

Powers of the president vested in the acting president for the time being.

Senior member to preside in the absence of the president.

LXX. Whatever powers are declared to be vested in the president, are likewise vested in the acting president for the time being; and in the event of the absence of the president from sickness, or other cause, the senior member present is to preside, and discharge all his functions.

A. D. 1793. REGULATION III.

A REGULATION *for extending and defining the Jurisdiction of the Courts of Dewanny Adawlut, or Courts of Judicature for the Trial of civil Suits in the first instance, established in the several Zillahs, and in the Cities of Patna, Dacca, and Moorshedabad.*—PASSED *by the Governor General in Council on the* 1*st May* 1793, *corresponding with the* 21*st Bysaak* 1200 *Bengal Era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

THE many valuable privileges and immunities which have been conferred upon the natives of these provinces, evince the solicitude of the British Government to promote their welfare, and must satisfy them that the regulations which may be adopted for the internal government of the country, will be calculated to preserve to them the laws of the Shaster and the Koran in matters to which they have been invariably applied; to protect them in the free exercise of their religion; and to afford security to their persons and property. The benefit however which they would derive solely from regulations enacted for the above purposes, would be but partial, unless the judicial establishments for dispensing those regulations are framed upon principles which will render them the means of protecting private rights and property, under the changes and temporary derangements to which all forms of Government must occasionally be liable. To ensure therefore to the people of this country, as far as is practicable, the uninterrupted enjoyment of the inestimable benefit of good laws duly administered, Government has determined to divest itself of the power of interfering in the administration of the laws and regulations in the first instance, reserving only, as a court of appeal or review, the decision of certain cases in the last resort; and to lodge its judicial authority in courts of justice, the judges of which shall not only be bound by the most solemn oaths to dispense the laws and regulations impartially, but be so circumstanced as to have no plea for not discharging their high and important trusts with diligence and uprightness. They have resolved that the authority of the laws and regulations so lodged in the courts, shall extend not only to all suits between native individuals, but that the officers of Government employed in the collection of the revenue, the provision of the Company's investment, and all other financial or commercial concerns of the public, shall be amenable to the courts, for acts done in their official capacity in opposition to the regulations; and that Government itself, in superintending these various branches of the resources of the state, may be precluded from injuring private property, they have determined to submit the claims and interests of the public in such matters, to be decided by the courts of justice according to the regulations, in the same manner as suits between individuals. To deprive the judges of the courts of the power of delaying or denying justice, the Governor General in Council has determined to frame the constitution of the courts upon such principles, as will enable every individual, by the mere observance of certain forms, to command at all times the exercise of the judicial power of the state thus lodged in the courts, for the redress of any injury which he may have sustained in his person or property. A system for the administration of the laws and regulations so constituted, will contain an active principle, which, allowing for the various

various characters and dispositions of those who may be employed in the immediate conduct of it, must continually operate to the important ends of compelling men to be just in their dealings; bringing into action that spirit of industry which is implanted in mankind, and which exerts itself in proportion as individuals are certain of enjoying the fruits of it; dispensing prosperity and happiness to the great body of the people; and increasing the power of the state, which must be proportionate to the collective wealth that by good government it may enable its subjects to acquire. As the basis of this system for the administration of justice, the Governor General in Council has lodged the powers specified in this regulation in the courts of *dewanny adawlut* established in the several *zillahs*, and in the cities of Patna, Dacca, and Moorshedabad, for the trial of civil suits in the first instance.

Courts of *dewanny adawlut* to be denominated after the *zillah* or city in which they are respectively established.

II. The courts of *dewanny adawlut*, or courts of judicature for the trial of civil suits in the first instance, established in the several *zillahs* in the provinces of Bengal, Behar, and Orissa, and in the cities of Patna, Dacca, and Moorshedabad, are to be denominated after the *zillah*, or the city, in which they are respectively established, as follows.

The court of *dewanny adawlut* established in the *zillah* of	Nuddea, Beerbhoom, Burdwan, Midnapore, Twenty-four Pergunnahs, Jessore, Moorshedabad, Boglepore, Rajshahee, Purneah, Dinagepore, Rungpore, Cooch Behar, Sylhet, Dacca Jelalpore, Mymensing, Tipperah, Chittagong, Behar proper, Shahabad, Sarun, Tirhoot, Ramgur,	is to be denominated the court of *dewanny adawlut* for the *zillah* of	Nuddea. Beerbhoom. Burdwan. Midnapore. Twenty-four Pergunnahs. Jessore. Moorshedabad. Boglepore. Rajshahee. Purneah. Dinagepore. Rungpore. Cooch Behar. Sylhet. Dacca Jelalpore. Mymensing. Tipperah. Chittagong. Behar proper. Shahabad. Sarun. Tirhooot. Ramgur.
The court of *dewanny adawlut* established at the city of	Moorshedabad, Dacca, Patna,	is to be denominated the court of *dewanny adawlut* for the city of	Moorshedabad. Dacca. Patna.

Each *zillah* and city court to be superintended by one judge.

Oath to be taken by the judges of the *zillah* and city courts.

III. Each *zillah* and city court is to be superintended by one judge, who, previous to entering upon the execution of the duties of his office, is to take and subscribe the following oath before the Governor General in Council, or any person whom he may commission to administer it. "I A. B. appointed judge of the *dewanny adawlut* of the *zillah* (or city) of ————, solemnly swear, that I will administer justice conformably to the regulations that have been or may be passed by the Governor General in Council, to the best of my ability, knowledge, and judgment, without fear, favour, promise, or hope of reward; that I will not receive, directly or indirectly, any present or *nuzzer*, in money or effects of any kind, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or have been decided in the court of which I am appointed judge; that I will not knowingly permit any person or persons under my authority, or in my immediate service. to receive, directly or indirectly, any present or *nuzzer*, in money or effects, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or have been decided in the court; that I will render a true and faithful account of all sums of money that may be paid into the court, or disbursed from it;

that I will not be concerned, directly or indirectly, in the purchase of any goods or commodities in the British dominions in Bengal for the purpose of remitting money to Europe, nor in any commercial transactions; and that I will not derive, directly or indirectly, any emoluments or advantages from my station, excepting such as the orders of Government do or may authorize me to receive. So HELP ME GOD."

Special jurisdiction of the *zillah* courts.

IV. The special jurisdiction of the *zillah* courts, is to extend throughout the districts and places that are or may be included in the *zillahs* in which they are respectively established, with this exception, that the courts in the *zillahs* of Moorshedabad, Dacca Jelalpore, and Behar proper, are not to have any jurisdiction within the limits of the special jurisdiction of the courts for the cities of Moorshedabad, Dacca, and Patna. The special jurisdiction of the courts of *dewanny adawlut* for the cities of Moorshedabad, Dacca, and Patna, is to extend over those cities, and the places adjacent, which are or may be included in the limits of their respective jurisdictions.

Jurisdiction of the three city courts.

Courts to be held in a large room three days in every week, or oftener if necessary. Judges to inform the Sudder Dewanny Adawlut whenever they may be prevented holding a court as often as is herein required.

No act to be done but on court days, and in open court.

V. The *zillah* and city courts are to be held in a large and convenient room in the city or place at which they are respectively established, three days in every week, or oftener, if the state of the business shall render it necessary. Whenever the judge of a *zillah* or city court, from indisposition or other cause, shall be prevented holding a court three days in each week as above required, he is at the expiration of the week, to report the cause of the court not being so held to the Sudder Dewanny Adawlut. This report is not to be made when the court may be shut pursuant to orders from the Sudder Dewanny Adawlut under Section 23, Regulation VI. 1793. No rule, order, proceeding, or decree, is to be made, but on court days, and in open court.

Seals of the courts.

Seal to remain in the custody of the judge.

VI. The *zillah* and city courts are to use a circular seal, one inch and three quarters in diameter. The seals of the *zillah* courts in the provinces of Bengal and Orissa, and the courts for the cities of Dacca and Moorshedabad, are to bear an inscriptiou to the following effect in the Persian and Bengal characters and languages. The seals of the *zillah* courts in Behar, and the court for the city of Patna, are to have a similar inscription in the Persian language and character, and the Hindoostanee language and Nagree character. "The seal of the *dewanny adawlut* of the *zillah* (or city) of ————." The seal of each court is to remain in the custody of the judge.

Zillah and city courts to have jurisdiction over all persons not British subjects.

Of what suits the *zillah* and city courts are to have cognizance, when the defendant comes under any of the descriptions of persons mentioned in Section 7.

VII. All natives, and other persons not British subjects, are amenable to the jurisdiction of the *zillah* and city courts.

VIII. The *zillah* and city courts respectively, are empowered to take cognizance of all suits and complaints respecting the succession or right to real or personal property, land-rents, revenues, debts, accounts, contracts, partnerships, marriage, caste, claims to damages for injuries, and generally, of all suits and complaints of a civil nature in which the defendant may come within any of the descriptions of persons mentioned in Section 7, provided the landed or other real property to which the suit or complaint may relate, shall be situated, or, in all other cases, the cause of action shall have arisen, or the defendant at the time when the suit may be commenced shall reside as a fixed inhabitant, within the limits of the *zillah* or city over which their jurisdiction may extend.

British subjects, with certain exceptions, not to be permitted to reside at a greater distance from Calcutta than ten miles, unless they execute the bond prescribed in Regulation XXVIII. 1793.

IX. The *zillah* and city courts are to have jurisdiction over all British subjects, (excepting king's officers serving under the presidency of Fort William, and the covenanted civil servants of the Company, and their military officers,) so far, as not to allow them to reside, or take up their abode, within their respective *zillahs* or cities, at a greater distance from Calcutta than ten miles, unless they execute the bond prescribed in Regulation XXVIII. 1793, to render themselves amenable to the court in all suits of a civil nature that may be instituted against them by natives, or other persons described in Section 7, in which the amount claimed may not exceed five hundred sicca rupees.

Collectors of the revenue and customs, commercial residents, salt agents, mint and assay masters, and their respective officers, amenable to the courts for acts done in their official capacity.

X. Collectors of the revenue, and their assistants and native officers, commercial residents and agents, and their assistants and native officers employed in the provision of the investment, salt agents, and their assistants and native officers concerned in the manufacture of salt, the collectors of the customs, and their assistants and native officers employed in the collection of the customs, the mint and assay masters, and their assistants and native officers, are

are declared amenable to the *zillah* or city court in the jurisdiction of which they may reside, or carry on the public business committed to their charge, for any acts done in their official capacity, in opposition to any regulation printed and published in the manner directed in Regulation XLI. 1793.

Individuals how to proceed, who may consider themselves aggrieved under the regulations by any special order of Government, or the Boards of Revenue or Trade.

Government to be considered as the defendant.

Complainant to present a petition to the judge.

What the petition is to contain.

XI. If a native, or any other person not being a British subject, shall consider himself aggrieved under any regulation printed and published in the manner directed in Regulation XLI. 1793, by an act done by any of the officers of Government described in Section 10, pursuant to a special order originating with the Governor General in Council, or the Board of Revenue or of Trade, the officer by whom the act may be done is not to be liable to be sued for it. In such cases, Government is to be considered as the defendant, and the person deeming himself aggrieved, is to present a petition to the judge of the *dewanny adawlut* of the *zillah* or city to which the officer by whom the act complained of may have been done, shall be amenable in his public capacity, stating wherein he considers himself injured under the regulations, and praying, that the Governor General in Council will order the court of *dewanny adawlut* in which the cause may be cognizable, to try the points or matters contested agreeably to the regulations. The judge to whom the petition may be presented, is to forward it immediately to the Governor General in Council, who, provided he shall not think it proper to afford the redress that may be solicited by the petitioner, and the courts of justice shall be competent to try the cause, will direct the court in which it may be cognizable to proceed to the trial of it. If the Governor General in Council shall order the cause to be tried, the court is immediately to send a written notification of the order to the complainant, and the cause is to be considered as filed in the court from the date of the notification. The court is then to proceed to try the suit, under the same rules and regulations as are prescribed for the trial of suits between individuals. The officer by whom the act complained against may have been done, is to carry on the suit under the directions of the Governor General in Council, or the Board of Revenue or of Trade, according to the immediate authority under which he may have acted, and is to issue the necessary instructions to the *vakeel* of Government in the court in which the suit may be instituted, or subsequently carried in appeal. In the event of Government being cast in any of the courts, the officer entrusted with the management of the suit, is to send a copy of the decree and proceedings of the court to the Governor General in Council, or to the Board of Revenue or of Trade, according to the immediate authority under which he may have acted, with a letter stating any objections that he may have to offer to the decision. The Boards above mentioned are to submit all such decrees and proceedings to the Governor General in Council, with their opinion respecting them. The Governor General in Council will order an appeal from the decisions that may be transmitted to him under this section, to be preferred or not, as may appear to him advisable. The costs and damages that may be awarded against Government in suits instituted under this section, are to be defrayed from the public treasury. All special rules respecting cases of the nature of those described in this section, are to be duly attended to by the plaintiff, and the Boards and officers concerned in them.

Judge to transmit the petition to the Governor General in Council.

How he is to proceed with the petition.

If he shall order the cause to be tried, the order to be notified to the party, and the cause to be considered as filed from the date of the notification.

Court how to try the cause.

Officer by whom the act may have been done, to carry on the suit on the part of Government.

Officer how to proceed, in the event of Government being cast in any of the courts.

All special rules respecting cases of the nature of those described in this section, to be observed by the parties.

XII. If a suit shall have been instituted in the court of *dewanny adawlut* of any *zillah* or city in which it may have been cognizable, no other *zillah* or city court is to entertain a suit for the same cause of action; and on proof being made in the court in which the second suit may be commenced, that a prior suit for the same cause of action has been instituted in another *zillah* or city court competent to try it, the court in which the second suit may be brought, is to dismiss it with costs, to be paid by the party so suing. And if any person shall have commenced a suit in the *dewanny adawlut* of any *zillah* or city, and whilst that suit is depending, or after a decree may be passed in it, shall commence another suit in any other *zillah* or city court of *dewanny adawlut* for the same cause; or if any person shall commence a suit in any *zillah* or city court of *dewanny adawlut*, which shall appear to the judge to be frivolous, vexatious, or groundless, he is not only to dismiss the suit, with such costs as he may deem it equitable to award against the plaintiff, but he is to fine him in such amount as he may think proper, upon a consideration of the nature of the case, and the situation and circumstances in life of the offender, and commit him to close custody until he pays the fine.

No court is to receive a suit previously instituted in another court in which it may be cognizable. Court in which the second suit may be instituted, to dismiss it with costs, to be paid by the party suing.

Further penalty for instituting such second suits, either whilst the first suit is depending, or after a decree is passed. Penalty for the institution of frivolous, vexatious, or groundless suits.

XIII. The *zillah* and city courts are not to pass a decree in any suit concerning the succession or right of inheritance to a *zemindaree, talook*, land, house, or other real property to which there are more claimants than one, who by the Hindoo or Mahomedan law (respect being had to the religion of the claimants) would be entitled to a portion of the property, excepting the property be by the decree adjudged to all the claimants in the proportions to which they may be respectively entitled.

Decrees for real property to specify the shares of all the claimants.

XIV. The *zillah* and city courts are prohibited hearing, trying, or determining, the merits of any suit whatever, against any person or persons, if the cause of action shall have arisen previous to the 12th of August 1765; or any suit whatever against any person or persons, if the cause of action shall have arisen twelve years before any suit shall have been commenced on account of it; unless the complainant can shew, by clear and positive proof, that he had demanded the money or matter in question, and that the defendant had admitted the truth of the demand, or promised to pay the money; or that he directly preferred his claim within that period for the matters in dispute, to a court of competent jurisdiction to try the demand, and shall assign satisfactory reasons to the court why he did not proceed in the suit; or shall prove that either from minority, or other good and sufficient cause, he had been precluded from obtaining redress.

Courts not to try the merits of any suit, where the cause of action shall have arisen before the 12th August 1765. Nor any suit where the cause of action shall have arisen twelve years before a suit shall have been commenced for it. Exception to the rule.

XV. The *zillah* and city courts are prohibited decreeing the payment or satisfaction of any sum due on a *tumassook* or bond, which may have been entered into after the 28th March 1780, unless the bond shall be proved to have been executed in the presence of two credible witnesses, or the payment of the sum demanded on the bond, or some other valuable consideration for it having been received, shall be proved to the satisfaction of the court. But the restriction contained in this section, is not to extend to any bills of exchange, receipts, or notes of hand, in the determination on which the custom of the country is to be abided by.

Decrees not to be given for sums of money on bonds which may not have been executed in the presence of two credible witnesses, unless the sum or a valuable consideration shall be proved to have been given. Cases to which this restriction is not to extend.

XVI. The *zillah* and city courts are prohibited entertaining any cause, which, from the production of a former decree, or the records of the court, shall appear to have been heard and determined by any former judge, or any superintendent of a court having competent jurisdiction. If any doubt should arise respecting the competency of the former jurisdiction, the judges are to report the circumstances to the Sudder Dewanny Adawlut, and wait the instructions of that court.

Judges not to entertain suits which may have been decided by any former judge or superintendent having competent jurisdiction. Doubts respecting the competency of the former jurisdiction, to be submitted to the Sudder Dewanny Adawlut.

XVII. The *dewanny adawlut* of the *zillah* of the Twenty-four Pergunnahs, is not to receive or entertain any suit, under any pretence whatever, relating to any land, house, tenement, or hereditament, nor any dispute regarding the boundaries of lands, houses, tenements, or hereditaments, situated within the town of Calcutta, (which, for the purpose of this rule, is declared to be bounded by a line drawn by the bridge and *nullah* of the Baug-bazar or Cow-cross, the Mahrattah entrenchment, and the road adjoining to it continued to the westward of the Kaleeghaut road, the Govindpore *nullah*, and the river,) nor any suit whatever against a person who may be an inhabitant of Calcutta at the time the suit may be instituted, or may become a resident within the limits of the town after the suit may be commenced. The court is commanded not to intermeddle with, or take cognizance of the suits above mentioned, which are to be considered entirely exempt from its jurisdiction. But the prohibitions contained in this section, are not to be construed to extend to preclude the court of *dewanny adawlut* of the *zillah* of the Twenty-four Pergunnahs, entertaining any suit concerning marriage or caste, in which no money or other valuable thing may be demanded or decreed, although the cause of action shall have arisen, or the defendant may reside, or shall have resided at the time the suit commenced, within the limits of the town of Calcutta.

Of what suits the *zillah* court of the Twenty-four Pergunnahs is prohibited taking cognizance, as coming within the jurisdiction of the Supreme Court of judicature. Exception to the rule.

Exception to the rule.

XVIII. The *zillah* and city courts are prohibited interfering in any respect in any cause or matter of a criminal nature, declared cognizable by the magistrates of the several *zillahs* and cities, the courts of circuit, or the Nizamut Adawlut, or any other courts for the trial of cases of a criminal nature, that now exist, or which may be hereafter established, excepting for contempt and perjuries committed in open court, as prescribed in Sections 14 and 21, Regulation IV. 1793.

Courts prohibited taking cognizance of any matters of a criminal nature.

Exceptions to the rule.

XIX. The judges of the *zillah* and city courts, are prohibited corresponding by letter with parties in suits, process, or matters, depending before them, or coming within their cognizance

Zillah and city courts prohibited corresponding with parties in suits, or

any person, respecting matters cognizable in the courts.

cognizance. If a party in a suit, or a person amenable to the jurisdiction of the court, shall have any matter to represent to the court, he is either to appear in the court in person and represent the matter in writing, or make the representation in writing through an authorized *vakeel*. The court is to pass whatever order upon the representation may appear to it proper, consistently with the regulations, and to direct a copy of the order to be delivered to the person making the representation, or to his *vakeel*, under the seal of the court, and attested by the register.

Judges of the *zillah* and city courts prohibited corresponding with the provincial courts.

The judges of the *zillah* and city courts, are also prohibited corresponding by letter with the provincial courts of appeal respecting any cause or matter before those courts, or upon any matters whatever on which they may not be specially empowered so to correspond. When a judge shall have occasion to communicate to the provincial court any information that may be required from him by the court, or which he may deem it necessary to submit to the court, respecting any matter or cause that may be before it, he is to certify it to the court by a writing under his official seal and signature.

An appeal to lie to the provincial courts of appeal from the decisions of the *zillah* and city courts in all cases whatever.

XX. An appeal is to lie to the provincial courts of appeal under Regulation V. 1793, from the decisions of the courts of *dewanny adawlut* of the several *zillahs*, and the cities of Patna, Dacca, and Moorshedabad, in all suits or matters whatsoever; and the judges of the *zillah* and city courts are invariably to state in every decree the grounds on which they may pass it.

Judges to act according to justice, equity, and good conscience in cases for which no specific rules exist.

XXI. In cases coming within the jurisdiction of the *zillah* and city courts for which no specific rule may exist, the judges are to act according to justice, equity, and good conscience.

A. D. 1793. REGULATION IV.

A REGULATION *for receiving, trying, and deciding Suits or Complaints declared cognizable in the Courts of Dewanny Adawlut established in the several Zillahs, and in the Cities of Patna, Dacca, and Moorshedabad.*—PASSED *by the Governor General in Council on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

THE following rules are enacted for receiving, trying, and deciding, suits or complaints declared cognizable in the courts of *dewanny adawlut* established in the several *zillahs*, and in the cities of Patna, Dacca, and Moorshedabad.

Only plaintiffs or defendants, or their *vakeels* duly empowered, to be allowed to prefer or defend a suit. No other persons, excepting the witnesses of the parties, to be heard *vivâ voce* in a cause.

II. No complaint is to be received but from the plaintiff, nor any answer to a complaint, but from the defendant, or their respective *vakeels* duly empowered. Nor is any person to be permitted to do any act, or to be heard *vivâ voce* in any stage of a cause, excepting the plaintiff or defendant, or their *vakeels* or witnesses.

What a complaint preferred to a *zillah* or city court is to contain. If it is for *malguzaree* or *lakheraje* land, the annual produce is to be specified. What is meant by the annual produce. If for any other property or money or damages, the amount or value, or the sum in which the party may be endamaged, is to be specified. Complaint to specify the name of the defendant and when it arose, and to be signed by the party or his *vakeel*.

III. Every complaint that may be presented to the court of *dewanny adawlut* of any *zillah*, or of either of the cities of Patna, Dacca, or Moorshedabad, is to state precisely the matter of complaint. If it be concerning a *zemindaree* or an independent or a dependant *talook*, or any landed property being *lakheraje* (exempt from the payment of revenue to Government), or *malguzaree* (subject to the payment of revenue to Government), it is to state the amount of the annual produce of the land according to the most accurate estimate which the claimant may be able to procure. To obviate all doubt respecting what is meant by the annual produce of *lakheraje* and *malguzaree* lands, it is declared to be the aggregate of the sums that may have been paid under the regulations by the dependant *talookdars*, under-farmers and *ryots*, on account of the year in which the claim may be preferred, and that would be payable by them were the claimant to be put into possession of the lands during that year. If the complaint is for a house, garden, tank, or any real property not being *malguzaree* or *lakheraje* land, or any valuable thing, or relating to marriage or caste, or for damages for any injury, it is to state according to the nearest estimate the exact sum of money, or the amount in which the plaintiff may be endamaged. The complaint is also to specify the name of the person complained against, the time when the cause of action arose, and is to be signed by the complainant, or his *vakeel* duly authorized. The complaint is to be signed and numbered, and dated in the order in which it may be received, by the judge of the court, and is to be registered in a book by a native officer of the court, whose particular duty is to be made, to copy and register complaints. Every complaint, answer, reply, and rejoinder, is to be written in the Persian or the Bengal language and character, or in the Hindoostanee language and Nagree character, and no other, and the parties are to be permitted to deliver their pleadings in which ever of those languages and characters they may think proper.

Judge to sign, number and date, the complaint.

Complaint to be entered in a book by a native officer.

In what language the complaint, answer, reply, and rejoinder are to be written.

IV. That no doubt may be entertained respecting what suits decided in the provincial courts of appeal are appealable to the Sudder Dewanny Adawlut, it is directed, that if a suit shall be instituted in any *zillah* or city court, and the cause of action shall be stated by the plaintiff

Defendant to insert in his answer, his objections to the plaintiff's statement of the cause of action;

otherwise the statement is to be held correct, so far as to determine whether the cause is or is not appealable to the Sudder Dewanny Adawlut.

plaintiff to be such as would make it appealable to the Sudder Dewanny Adawlut, or such as would not entitle either party to an appeal to that court, in the event of the suit being appealed to the provincial court of appeal, and either party being dissatisfied with the decision of that court; the defendant, in the first case, if he shall be of opinion that the cause is not appealable, and in the second, if he shall think it appealable, is to insert his objections to the plantiff's statement in his answer, and the judge is to make such enquiries as he may deem necessary, to ascertain whether the cause of action is such as would or would not render it appealable to the Sudder Dewanny Adawlut, and to insert his decision on the objections of the defendant in the record of the trial, which the court of appeal, in the event of the cause being brought before them, are to confirm or set aside, as may appear to them proper. If the defendant shall not offer any objections in either of the cases above mentioned to the plaintiff's statement of the cause of action, it is to be held correct, so far as to determine eventually whether it is or is not appealable to the Sudder Dewanny Adawlut; and any objections which either party may afterwards offer to the statement are not to be attended to; but if, agreeably to the statement, the cause of action shall be appealable, an appeal is to be allowed (all rules regarding appeals being duly observed), and if be not appealable, an appeal is not to be admitted.

Court how to proceed upon a complaint cognizable by it being preferred to it. To issue a summons. Contents of the summons.

V. Upon any person, either by himself or his *vakeel* duly appointed, preferring a written complaint on account of any matter declared cognizable by the *zillah* or city courts of *dewanny adawlut*, to the proper *zillah* or city court, the court is to issue a summons to the defendant, which is to contain a short account of the nature of the demand, and to require the defendant either to accompany the officer who may be deputed to serve the summons, to appear in person before the court, or to deliver to him good and sufficient security to appear and answer to the complaint on the day appointed, either in person or by *vakeel*. The person who may become a security for the appearance of the defendant, is further to bind himself to be responsible for the personal attendance of the defendant whenever it may be required by the court, and in the event of his not being able to produce him, either whilst the suit is depending, or at any time before the final decree in the cause is executed, to be answerable for such sum as may be adjudged against the defendant. The summons is to be served on the defendant by the *nazir* or his inferior officer if he can be found, and in the event of his not giving the required security, the *nazir* or officer is to take his person into custody, and bring him before the court. The *nazir* is to return the summons on the day appointed, with an endorsement specifying in what manner he has executed it. If the defendant shall appear either in person or by *vakeel*, the court is to fix a day according to its discretion for him to answer to the complaint, and, if it shall deem it reasonable so to do, may at any time allow the defendant a further period for delivering his answer; and if the defendant shall appear in person, and shall not have given the security above mentioned for his appearance and attendance, the court is to require him to give it; and in the event of his refusing or omitting to comply with the requisition, he is to be committed to close custody until he shall have given the security, or performed the decree of the court. When the defendant has delivered in his answer to the complaint, the plaintiff is to reply to it on the next court day, but he is not to be permitted to introduce in his reply any matter whatever which may not be contained in his complaint, but is either to acknowledge the answer of the defendant to be true, or simply and shortly deny the truth of such of the facts in the answer as he intends to dispute, or simply deny the truth of all the facts contained in it, or the competency of the answer. The defendant is to rejoin to the reply on the same day, but is not to be permitted to introduce in his rejoinder any matter not contained in his answer, but is simply to deny the truth of the reply of the plaintiff, or the parts of it which he means to dispute, and aver the truth or competency of his own answer; and no further pleadings whatever are to be admitted in the cause. But if, from mistake, inadvertence, or other cause, the plaintiff shall have omitted to insert in his complaint any thing material to the suit, the court, on the omission being represented either by the plaintiff or his *vakeel*, is to allow the plaintiff to prefer a supplemental complaint, in which he is to state the matter omitted. The defendant is to be allowed to deliver an answer to the supplemental complaint on a day to be fixed for that purpose; and the plaintiff and defendant are to reply and rejoin in the same manner as on the original complaint, but no other. In like manner, if the defendant, from mistake, inadvertence, or other cause, shall have omitted to insert in his

Nazir to return the summons on the fixed day, with an endorsement how it has been executed.

Upon the defendant appearing, court to fix a day for his answering; and to take security for his attendance. Defendant to be committed to custody in the event of his not giving the required security. Plaintiff to reply to the defendant's answer. What the reply is, and what it is not, to contain.

Defendant to rejoin to the plaintiff's reply. What the rejoinder is, and what it is not, to contain.

Cases in which the plaintiff is to be permitted to prefer a supplemental complaint.

Defendant to be allowed to deliver an answer to the supplemental complaint.

Plaintiff and defendant to be permitted to reply and rejoin. Cases in which the de-

answer any thing material to his defence, the court, upon his representing the omission either in person or by his *vakeel*, is to permit the defendant to deliver in a supplemental answer. The plaintiff and defendant are to reply and rejoin in the same manner as on the original answer. But no more than one supplemental complaint, or one supplemental answer, is to be received by the court. Whenever a defendant shall refuse or neglect to rejoin at the time appointed for that purpose, the register is to enter a rejoinder for him, and the court is to proceed in the trial in the same manner as if the defendant himself had rejoined.

fendant is to be allowed to deliver a supplemental answer. Plaintiff and defendant to reply and rejoin. Only one supplemental complaint or answer to be admitted. Register to rejoin, if the defendant does not rejoin by the appointed day.

VI. When the rejoinder has been filed, the court, either immediately, or on a fixed day (eight days notice of which is to be given to the parties) as soon after the pleadings are closed as the business of the court will permit, is to examine the truth of the complaint or claim by the oaths of the parties, if they mutually consent to that mode of examination, and of the witnesses who may be produced by them, if they have any witnesses to produce. To procure the attendance of witnesses, the *zillah* and city courts, on the requisition of the plaintiff or defendant, or their respective *vakeels*, are to issue a summons to the witnesses whom the parties may name, (provided they be not Hindoo or Mahomedan women of a rank or quality, which, according to the manners and customs of the country, would render it improper to compel them to appear in a court of justice,) specifying at whose request the summons may have been issued, and requiring them to appear in the court on a day to be named in the summons, and there to depose concerning the matter in dispute between the parties. If a witness so summoned shall not attend on the day appointed, or attending, shall refuse to give evidence, or to subscribe his deposition as hereafter required, the judge, in the first case, if it shall be proved to his satisfaction on oath that the witness was material to the cause, is to issue an order to the *naxir* to seize and bring the witness before the court, and is to impose on such witness not having attended, or refusing to give evidence, a fine not exceeding five hundred rupees, and to commit him to close custody until he shall consent to give his evidence and sign his deposition. If a witness who may attend pursuant to a summons, shall have incurred any expence in consequence of his being required to appear, the court is to award to him such sum for his charges as may appear to it reasonable, whether he be examined or not. If the sum so awarded shall not be paid immediately, or secured to the witness to the satisfaction of the court, the party at whose requisition the witness may be summoned is not only to lose the benefit of his testimony, but the court, after the decree in the cause shall be passed, it to confine such party until he shall discharge the sum awarded to the witness. The *zillah* and city courts are to administer to parties consenting to be examined on oath, and to witnesses, such oaths as may be considered most binding on their consciences, according to their respective religious persuasions. But if a witness shall be of a rank or caste, which according to the prejudices of the country would render it improper to compel him to take an oath, the judge of the court may dispense with his being sworn, provided he shall subscribe one of the undermentioned declarations, according as he may be of the Mahomedan or Hindoo persuasion.

When the courts are to proceed to the examination of the merits of the suit.

How the attendance of the witnesses of the parties is to be procured, provided they be not women of the rank or caste herein mentioned. What the summons is to contain.

How witnesses so summoned are to be dealt with, if they shall not appear, or if they shall appear and refuse to give evidence or subscribe their depositions.

Court empowered to award to witnesses appearing pursuant to the summons, such sum for their expences as may appear to it reasonable.

Expence to be paid by the party summoning the witness.

Consequences attending his not paying such expence as required, and the court how to enforce the payment.

What oaths are to be administered to parties or witnesses. Cases in which the courts may dispense with the oaths of witnesses.

Declaration to be subscribed by a Hindoo witness exempted from taking an oath.

"I will faithfully answer according to the truth, such questions as may be put to me by the court in the cause now before the court; I will not declare any thing not warranted by the truth; if I declare any thing not warranted by the truth, I shall be deserving of punishment from Eeshwur."

Declaration to be signed by a Hindoo witness exempted from taking an oath.

Declaration to be signed by a Mahomedan witness exempted from taking an oath.

"I sincerely promise and swear, in the presence of Almighty God, that I will, faithfully and without partiality, answer according to the truth, any questions that may be put to me by the court respecting the cause now before the court." After the witness has given his deposition, he is to subscribe the following declaration. "I swear, in the presence of Almighty God, that I have faithfully and without partiality answered according to the truth the questions put to me by the court respecting the cause now before the court." The depositions of the witnesses who may subscribe the above declarations are to be received as good evidence in the cause, in the same manner as if they had been sworn. The deposition of every witness who may appear in court, is to be taken *vivâ voce* in open court, and (if he be a native) in the Persian, Bengal, or Hindoostanee language, and is to be reduced into writing in the Bengal, Persian, or Nagree character, according as the witness may desire.

Depositions of witnesses subscribing the above declarations to be received as good evidence. Depositions of witnesses to be reduced into writing in the language and character which they may desire. Ex-

hibits and written evidence to be produced in open court at the trial. Such exhibits and evidence, if disputed, to be duly proved by witnesses, whose depositions are to be reduced to writing. Exhibits how to be marked and referred to in the depositions proving them. Exhibits proved by witnesses not present in court, to be marked and referred to in the same manner, and the date on which they may be read in court is to be endorsed upon them.

Court may dispense with the personal appearance of Hindoo or Mahomedan women of a certain rank. How the evidence of such women is to be obtained.

Manner in which the judge is empowered to obtain the evidence of witnesses residing out of the jurisdiction of the court, and at a greater distance from it than fifty *coss*.

Personal attendance of parties or witnesses residing out of the jurisdiction of the court, and at a greater distance than fifty *coss*, how to be procured if necessary.

Judge how to proceed, in the event of his rejecting exhibits or written evidence that may be offered.

When the court is to give judgment.

Decree of the court how to be executed.

The deposition is to be subscribed by the witness with his name or mark. Every exhibit or written evidence (excepting exhibits that may be proved by such absent witnesses as are hereafter mentioned) is to be produced in open court at the trial, and if disputed, is to be duly proved by the examination of witnesses sworn as above directed, whose depositions are in the same manner to be reduced into writing and signed. Every exhibit is to be marked with some letter or number to identify it, and the letter or number is to be referred to in the deposition proving it. All exhibits proved by witnesses not present in court are in the same manner to be marked and referred to in the depositions proving them, and are to be endorsed and minuted as having been read at the time they may have been read in the court. In the event of any witness being a Hindoo or a Mahomedan woman of a rank or quality, which, according to the customs and manners of the country, would render it improper to compel her to appear in a court of justice, the *zillah* and city courts of *dewanny adawlut* are authorized to commission three creditable women, who are to be sworn to execute the commission truly and faithfully, to administer either an oath, or the prescribed declaration to persons of the rank, caste, or quality before mentioned, (according to the discretion of the judge and the religion of the witnesses,) and to examine them on written interrogatories to be delivered to them by both parties or their *vakeels*, if both parties shall desire to examine the witnesses. In like manner, if any witness whose deposition may be necessary to the determination of a cause, shall reside out of the jurisdiction of the *zillah* or city court in which the suit may be instituted, and at a greater distance from the court than fifty *coss*, the judge of the *zillah* or city court is authorized by a letter signed by himself, and sealed with the seal of the court, to request the judge of the *zillah* or city court in whose jurisdiction the witness may reside, either to administer to him an oath, or cause him to sign the abovementioned declaration, should he be of the description of persons whom the courts are empowered to exempt from taking an oath, (according to the discretion of the judge who shall grant the commission, and the religion of the witness,) and to examine such witness on written interrogatories to be transmitted to the judge by both parties or their *vakeels*, if both parties shall desire to examine the witness. The judge to whom the letter may be directed, is to examine the witness or witnesses named in the letter, according to the requisition of it, and to return the deposition of each witness duly subscribed by him, to the judge of the court in which the cause may be depending by the time required in the commission; and every deposition so taken, is to be read as good evidence in the cause. But if the personal attendance of a party in a suit, or a witness, (provided the party, or witness, be not a woman of a rank or quality, which, according to the customs and manners of the country, would render it improper to compel her to appear before a court of justice,) who may be resident at any distance whatever beyond the limits of the jurisdiction of the court, shall be deemed by the judge trying the cause to be indispensably necessary, he is to address the judge of the court in the jurisdiction of which the person whose attendance is required may reside, requesting him to order him to attend; and the judge so addressed, is directed to comply with the requisition, without further delay than may be necessary in the event of the attendance of such person before the court of the judge to whom the application may be made being indispensable, in consequence of his being either a party or a witness in a suit depending before the court. If any exhibit or written evidence is offered to a *zillah* or city court in a cause depending before it, and the judge of the court shall think it just and proper to reject it, he is to endorse upon it the word "rejected," together with the names of the parties in the cause, and the name of the party who produced the document, the date on which it may be rejected, and his reasons for not admitting it, (which may be written either upon the document rejected, or on a paper to be annexed to it,) and to subscribe his name to the endorsement, and return the document with his reasons so written to the person who produced it.

VII. When the parties have been heard, and the witnesses on both sides examined, and the exhibits received and considered, the judge is to give judgment according to justice and right, and is to order costs to be paid to the party in whose favour the decree may be made. The court is then to cause the decree to be executed, if it be for a *zemindaree*, independent or dependant *talook*, or other estate or real property, by causing possession of the property to be delivered to the person to whom it may be decreed; if it be for personal property or a sum of money, by causing the specific thing to be delivered, or the value of it, or the sum of money decreed to be levied by public sale by auction of a sufficient portion, or, if requisite for

the satisfaction of the decree, the whole of the lands, houses, and all other effects, either real or personal, belonging to the party against whom the judgment may have been given, or by the attachment of his person, or, where it may be necessary, both by the sale of his property and effects, and the attachment of his person.

Monthly allowance to be paid to defendants confined at the instance of plaintiffs.

To whom and when the allowance is to be payable.

Nazir to report to the judge, in the event of the plaintiff omitting or refusing to pay the allowance for one month.

Judge how to proceed upon such report.

Plaintiffs not to pay any allowance to defendants confined for disobedience to the orders of the court.

VIII. If the defendant in a suit in a *zillah* or city court shall be committed to close custody at the instance of the plaintiff, either whilst the suit is depending, or after the decree shall have been passed, the judge at the time of the commitment of the defendant, is to make an order on the plaintiff for the payment of whatever monthly allowance he may think reasonable for the subsistence of the defendant, upon a consideration of his rank and situation in life, and the circumstances of the plaintiff. The allowance is not to exceed four annas, nor to be less than one anna per day; and is to be made payable to the *nazir*, who is to give monthly receipts for it to the plaintiff, dated on the day on which the money may be paid. The first payment is to be made immediately upon the confinement of the defendant, and every subsequent payment at the expiration of the next following months, calculating from the day on which the defendant may be confined. If the plaintiff shall neglect or refuse to pay the prescribed allowance for the space of one month after any payment may become due, the *nazir* is to report the omission or refusal in writing under his signature to the judge. Upon receipt of the report, the judge is to cause it to be notified to the plaintiff by a writing, (in the Persian and Bengal languages, if the court be situated in Bengal or Orissa, or in the Persian language, and the Hindoostanee language and the Nagree character, if it be in Behar,) to be fixed up in some conspicuous place in the court-room, that if he shall not within one month after the date of the notice, pay the sums in arrear, together with the allowance for one month in advance, the court will release the defendant. If the plaintiff shall not make the payments required by the notice, the court is accordingly to discharge the defendant from custody. Plaintiffs are not to be required to pay any allowance to defendants who may be committed to custody for disobedience to an order of the court.

Zillah and city courts to transmit to the Board of Revenue, and the collector of the *zillah*, a copy of every decree regarding *malguzaree* land, which they may pass, and of every such decree that may be transmitted to them by the provincial court of appeal, or the Sudder Dewanny Adawlut, to be enforced together with an abstract of the decree.

What the abstract *is* to contain.

IX. That the quinquennial register of landed property paying revenue to Government directed to be prepared by Regulation XLVIII. 1793, may be kept complete, the *zillah* and city courts are strictly enjoined to transmit to the collector of the *zillah* and the Board of Revenue, a copy of every decree that they may pass, or which may be sent to them to be enforced by the provincial courts of appeal or the Sudder Dewanny Adawlut, regarding any *zemindaree*, independent *talook*, or other land, paying revenue immediately to Government, or in any wise concerning the possession of such land. The judge is to transmit the copy of the decree within ten days after he may pass or receive it. The decree is to be attested with the signature of the judge and the seal of the court, and is to be accompanied with a short abstract of it, specifying the date of the decree, the names of the *pergunnah* or *pergunnahs*, the *talook* or *talooks*, the *turuf* or *turufs*, the village or villages, or the portions of each, which may be decreed, the name or names of the person or persons last in possession, the person or persons to whom the lands may be decreed, and, if the land be decreed to two or more persons, the shares awarded to each person.

Suits of plaintiffs who neglect to proceed in them for six weeks to be dismissed, unless they can show good cause for not having proceeded. Judge to record upon the proceedings his reasons for the exercise of the powers vested in him by this section.

Court how to proceed in case a defendant cannot be found, or absconds, or acts so that the process of the court cannot be served upon him.

What the writing so fixed up is to contain.

X. If a plaintiff shall at any time neglect to proceed in his suit for six weeks, the suit is to be dismissed, unless he can show good and sufficient cause to the court for not having proceeded in it; and the court is to award to the defendant the whole or such part of the costs as he may have incurred in the suit, according as it may deem equitable. The judge is to record upon the proceedings his reasons at large for dismissing the suit of a plaintiff, or allowing him to prosecute it, after he shall have neglected to proceed in it for six weeks.

XI. If a defendant against whom a summons may issue shall abscond, or is not after diligent search to be found, or shall shut himself up in his own or in any house or building, or retire to any place so that the process cannot be served upon him, and the *nazir* shall return that on such account he has not been able to serve or execute the process, the judge is to cause a writing (in the Persian and Bengal languages, if it be in Bengal or Orissa, or in the Persian language, and the Hindoostanee language and Nagree character, if it be in Behar) to be stuck up in some conspicuous part of the room in which the court may be held. The writing is to contain a copy of the summons, and a notice, that if the party shall not appear on a day to be fixed, (which shall not be less than fifteen days from the time that the summons may be fixed up,) the court will proceed without further notice to try and determine the

the cause without the appearance or answer of the defendant. The court is likewise to order a copy of the summons and notice to be fixed up with all practicable dispatch on the outer door of the house in which the defendant may have usually dwelt, or in some conspicuous place in the village, or other place, in which he may have generally resided. The *naxir* is to return the order with an endorsement, stating at what times and places the summons and notice may have been fixed up. The return of the *naxir* is to be filed in court, and to form a part of the record of the trial. If the defendant shall not appear at the time limited in the notice, or if a defendant who may have been served with a summons shall not appear, or, having appeared, shall refuse to give answer, or make other default, or shall admit the truth of the plaintiff's bill of complaint, the court, on examining the allegations of the plaintiff only, and the depositions of his witnesses, is to decree and give judgment, in the same manner as if the defendant had appeared, answered, and entered into proof.

Naxir to return how he has executed the process.

Naxir's return to be filed.

Cases in which the court is to give judgment on the allegations and evidence of the plaintiff only.

XII. If a defendant, for whose appearance security may have been taken, shall not appear, or having appeared, shall refuse to give answer, the plaintiff is permitted to institute a suit against the sureties on their engagement, and is to be entitled to recover from them whatever he may prove to be due to him from the defendant; or he may proceed against the defendant in the same manner as defendants are directed to be proceeded against who have been served with a summons, and have not appeared, or have refused to give answer.

Sureties for defendants not appearing, or refusing to give answer, liable to be prosecuted as principals. Option given to the plaintiff to prosecute the surety, or to proceed against the defendant as herein directed.

XIII. Every process, rule, order, or decree, of the *zillah* and city courts (with the exception contained in this section) is to be immediately served or executed, without application to any person, or the interference of any individual whomsoever, according to the requisition of it, within the limits of the special jurisdiction of each court. But in every case in which the defendant shall be a Hindoo or Mahomedan woman of a rank or quality, which, according to the customs and usages of the country, would render it improper to compel her to appear in an open court of justice, the judges of the *zillah* and city courts are not to issue any compulsory process against her, to compel her to appear and make answer; but are to issue a summons requiring her to appear in person or by *vakeel*, at a certain time to be named in the summons, in the *zillah* or city court, and answer to the complaint, and abide by the orders which the court may think proper to pass in the cause. The summons is to be directed to the *naxir* of the court, and is to contain a short account of the nature of the demand or complaint, with a notice, that if the defendant shall not appear, as required by the summons at the time specified in it, or having so appeared, shall not answer to the complaint at the time which may be fixed by the court, or make any other default, the court will proceed to try and determine the cause in the same manner as if the defendant had appeared, answered, and done, what she is authorized or required to do in defence of the suit. The summons is further to command the *naxir* to deliver a copy of it to the *dewan*, or some principal servant of the defendant. The *naxir* is not to have recourse to compulsion to enforce the summons, but is to serve it in the manner herein directed and no other. The *naxir* is to return the summons on the day appointed for the appearance of the defendant, with an endorsement specifying in what manner he has executed it, and if he has not executed it, the reason why it has not been executed. If the defendant should appear in person or by *vakeel*, the court is to fix a certain day according to its discretion, for her to answer to the complaint, and to appoint a day for the parties to deliver in their pleadings; and the court is to try and determine the cause, in the same manner as suits instituted against persons not being women of the abovementioned description. Upon the summons being issued, if the *dewan* or other principal servant of the defendant shall abscond, or otherwise act so that the summons cannot be served upon him, or shall not after diligent search and enquiry be found, the judge, upon the return of the summons and proof being made before him on oath of the fact, is to proceed against the defendant in the same manner as he is directed to proceed against a defendant, who after diligent search cannot be found, or shall have absconded or otherwise acted so that he could not be served with a summons. If a female defendant on whom no summons can be served, after the prescribed notice has been issued, shall not appear as required, or appearing shall neglect or refuse to answer, or make other default, or admit the truth of the complaint, the court, on examining the allegations of the plaintiff only, and receiving the depositions of his witnesses, are to decree and give judgment in the same manner as if the defendant had appeared, answered, and entered into proof.

Process of the courts to be served according to the requisition of it, without application to any person, or the interference of any individual. Exception to the rule made in favour of defendants who may be women of the description herein specified. How such women are to be summoned when defendants.

Summons to be directed to the *naxir*.

What it is to contain.

The *naxir* to serve the summons in the manner herein mentioned, and no other.

Naxir to return how he has served the summons.

Court how to proceed, if the defendant should appear in conformity to the summons.

Court how to proceed, in case the principal servant of the defendant cannot be served with the summons, and the defendant shall not appear in person or by *vakeel*.

XIV. If a witness, or any person, shall be guilty of wilful and corrupt perjury in any cause or matter depending in court, the judge is immediately to commit the offender to close custody, to take his trial before the court of circuit of the division in which the offence may be committed.

Witnesses or persons guilty of wilful or corrupt perjury to be committed to take their trial before the court of circuit.

XV. In suits regarding succession, inheritance, marriage, and caste, and all religious usages and institutions, the Mahomedan laws with respect to Mahomedans, and the Hindoo laws with regard to Hindoos, are to be considered as the general rules by which the judges are to form their decisions. In the respective cases, the Mahomodan and Hindoo law officers of the court are to attend to expound the law.

The decisions of the courts to be conformable to the Mahomedan law with regard to Mahomedans, and the Hindoo law with regard to Hindoos, in the cases herein specified.

XVI. The judges of the *zillah* and city courts, are strictly enjoined not to order or allow of a report of any matters of fact relating to any cause depending before them, with a view to the passing a decree, to be made to them by any officer of the court, or any other person, excepting in cases in which special authority for that purpose may be given to the courts by any regulation. This rule however is not to be construed to prevent a judge referring any question arising on the Mahomedan or Hindoo law, to the *cauzy* or *pundit* of the court, respect being had to the law in which each is conversant. When a reference of this nature is deemed necessary, a statement of the facts on which the question of law may arise, is to be made out in writing, and signed by the judge of the court, and delivered to the *cauzy* or *pundit* for his opinion upon it. A blank is to be left for the answer of the law officer on the same paper on which the question is stated, or on a paper firmly annexed to it. The answer is to be attested with the signature of the law officer, and the dates on which the question may be stated to him, and the answer may be given, are to be specified.

Courts not to refer matters of fact to any person whomsoever with a view to passing a decree.

Exception to the rule.

The rule not to prevent references to the law officers on points of law.

References to the law officers to be made in writing. What they are to contain.

Answer on what paper to be written, and what it is to contain.

XVII. In cases of disputed property regarding lands, houses, or their limits or boundaries, in which the court may deem a local investigation proper, the court is to appoint an *ameen*, who is to be sworn to make a true and faithful report to the court of the several matters which he may be directed to investigate, and not to take or receive, directly or indirectly, from either party, any gratuity, reward, or consideration, besides the sum which may be allowed to him by the court. The *ameen* is to be ordered to make his report in writing, subscribed with his name, and to deliver it into court on a certain day, which is to be specified in his commission. The report is to be received by the court, as evidence in the cause with regard to the matters which the *ameen* may be commissioned to investigate, and no other. The court may order such sum to be paid to the *ameen* as may be thought reasonable for his trouble, and the amount is to be added to the costs, and paid by the person against whom the decree may be passed. But the court is to be careful that expences are not unnecessarily incurred by the *ameen* by delay or other means.

Court may depute an *ameen*, where local investigations may be necessary in disputes regarding real property. To what points the *ameen* is to be sworn.

Report to be made by the *ameen* duly attested by him on a certain day. Court to order such sum to be paid to the *ameen* as it may judge adequate to his trouble. By whom the sum awarded is to be paid. Precaution to be observed by the courts in awarding such sums.

XVIII. The plaintiff is to pay the charges of summoning the defendant, and his own withesses, and of all process attended with expence which may be issued in his behalf previous to the decision of the suit.

Plaintiff to pay in the first instance, the expence of all process that may be issued in his behalf, previous to the decision of the suit.

XIX. The judges of the *zillah* and city courts, are to order the causes depending in their respective courts, to be brought on for trial according to the order in which they may be filed, except in cases in which it may be otherwise directed by any regulation, or in which the judge may think it proper for special reasons, which he is to state at large upon the record of the trial, to bring on the cause before its turn. The register is to enter in a book the causes for the trial of which a day may be appointed by the judge, and on the day fixed, call on the causes for trial in the order in which they may have been entered. A paper containing a list of the causes, and the day appointed for the trial of them, is to be fixed up in some conspicuous part of the court-room seven days previous to the day of trial.

Suits to be brought on for trial in the order in which they may be filed. Exception to the rule. A paper specifying the causes for the trial of which a day has been fixed, is to be stuck up in some conspicuous part of the court-room seven days previous to the trial.

XX. All orders and process of the court which may be directed to be served or executed on any person, are to be written or printed in the Persian and Bengal languages in Bengal and Orissa, and in the Persian language, and the Hindoostanee language and Nagree character, in Behar, and are to be sealed with the seal of the court, and signed by the judge. When a summons, or any process, is issued against a defendant, or a witness in a cause, or any other person who may not reside or be present at the place at which the court may sit, and for the serving or executing of which a *peon* or *peons* may be necessary, each *peon* is to be paid by the party in whose behalf the summons or process may issue, four annas per day for

In what language and character the process of the court is to be written.

Summonses and process to be served and executed by *peons*.

Daily allowance to be paid to the *peons*.

for his subsistence, excepting in districts where custom may have fixed the subsistence money of *peons* at a lower rate, in which case the lower rate, and no more, is to be paid. The name of each *peon* deputed to serve the process, the amount of his subsistence money, and the number of days for which he is to receive it, is to be endorsed on the writing. No greater number of *peons* than two are to be deputed to serve or execute any process of the courts, and one *peon* only is to be sent, excepting in cases in which the judges may think two *peons* necessary.

Courts to fine persons guilty of contempt, arrogations of judicial authority, or illegal exertions of it in their own causes.

XXI. If any person shall be guilty of contempt of court in open court, or of undue arrogations of the authority of the court, or of illegal exertions of judicial authority in his own cause, the court is immediately to punish the offender by fining him in a sum not exceeding two hundred rupees, and keeping him in custody until the fine shall be paid. The courts are to regulate the amount of the fines which they may impose under this section according to the situation and circumstances in life of the offenders.

Zillah court how to proceed against *semindars*, independent *talookdars*, or other actual proprietors of land, or dependant *talookdars*, who may resist their process. Offender to be summoned to answer for his conduct. Court how to proceed if the offender shall not obey the summons. Decree to be passed if the offender shall not appear, or shall appear, and be proved guilty of the charge.

XXII. If a *zemindar*, independent *talookdar*, or other actual proprietor of land, or a dependant *talookdar*, shall resist, or cause to be resisted, any process, rule, order, or decree of a *zillah* court, the court, on proof of the resistance being made by oath to its satisfaction, is to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house, or in any building, or retire to any place so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding or acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed time, or, if he shall appear, and after receiving his answer to the charge, and hearing the evidence which he may produce in his defence, it shall be proved to the satisfaction of the court, that he is guilty of the charge, the court is to decree that the offender shall from the date of the decree, forfeit his *zemindaree*, *talook*, or other estate, in which the resistance may have been made; or, if the resistance shall have been made out of the limits of the estate of the offender, the *zemindaree*, *talook*, or other landed property that he may possess within the jurisdiction of the court, the process of which may have been resisted. If the cause shall not be appealed to the provincial court of appeal within the time limited for preferring appeals to that court in Section 12, Regulation V. 1793, the court is immediately to forward a copy of its decree and proceedings respecting the charge to the Governor General in Council. If the offender shall appeal to the provincial court of appeal within the prescribed period, and the court should confirm the decision of the *zillah* court, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and the offender shall not lodge an appeal within the time limited for preferring appeals to that court in Section 10, Regulation VI. 1793, the provincial court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the *zillah* court, to the Governor General in Council. If an appeal shall be received from the decision of the provincial court, and the Sudder Dewanny Adawlut should confirm that decree of the court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council. That no doubt may be entertained from what decrees passed by the provincial courts of appeal under this section, an appeal is to be allowed to the Sudder Dewanny Adawlut, it is declared that an appeal shall not lie to the last mentioned court, unless the annual produce of the lands of the offender which may be adjudged forfeited (calculating according to the amount paid and payable to the offender by the dependant *talookdars*, under-farmers, and *ryots*, on account of the year in which the decree may be passed) shall exceed one thousand sicca rupees. In the event of an appeal from the decree of the provincial court being presented to the Sudder Dewanny Adawlut, and the admission or rejection of the appeal depending upon the produce of the lands for the year before mentioned exceeding or falling short of one thousand sicca rupees, the court of Sudder Dewanny Adawlut is to order the provincial court to obtain the necessary information regarding the produce, and after receiving their report, admit or reject the appeal, according as they may deem equitable. It shall be at the option of the Governor General in Council, within four weeks after the receipt of a decree adjudging the estate of any person forfeited under this section, either to order it to be executed, or to commute the forfeiture for such fine as

A copy of the decree to be sent to the Governor General in Council, if the cause shall not be appealed in time.

If the offender should appeal, and the decision of the *zillah* court be confirmed, the provincial court to transmit a copy of the decree and proceedings to the Governor General in Council, in the event of the offender not appealing to the Sudder Dewanny Adawlut, or the cause not being appealable. Sudder Dewanny Adawlut how to proceed, if the suit should be appealed to them, and they should confirm the decision of the provincial court. Rule for determining from what decrees of the provincial courts passed under this section, an appeal is to lie to the Sudder Dewanny Adawlut.

If the lands are decreed forfeited, the Governor General in Council may confirm the decree, or commute the forfeiture for a fine within four weeks after he may receive the decree.

upon a consideration of the situation and circumstances in life of the offender, he may think adequate to the offence for which the decree may be passed. In the event of the Governor General in Council commuting the forfeiture for a fine, the court which shall have transmitted the decree and proceedings to him, upon receiving notice of the fine that he may impose, is to levy the amount of it by the same process as is prescribed for enforcing decrees of the court. But if the Governor General in Council shall not within four weeks after the decree shall have been received by him, either order it to be executed, or commute the forfeiture for a fine, the decree is to stand good against the offender. In such case, or in the event of the Governor General in Council ordering the decree to be executed, the court is to issue a precept, under the seal of the court and the signature of the register, requiring the collector of the revenue of the *zillah* to depute an *ameen* with a proper establishment of officers (whose allowances are to be specified in the precept) to sequester the lands, and collect the rents and revenues. If the lands of the offender shall be deemed by the court too inconsiderable to admit of their being charged with the expence of an *ameen*, they are to direct a precept to be issued to the collector of the *zillah*, to order the nearest *tehsildar*, or any other officer who may be employed under him in the business of the collections, to take charge of the lands. The officer is to perform the duties prescribed to *ameens* in such cases, and under the same restrictions and penalties.

If the forfeiture is commuted for a fine, by what court, and how it is to be levied.

Decree of forfeiture to be final, if the Governor General in Council shall not order it to be executed, or commute it for a fine within four weeks. If the decree is declared, or becomes final, the court to issue a precept to the collector to sequester the lands.

XXIII. If the decree adjudging the lands of the offender forfeited, shall be confirmed or stand good under Section 22, it shall be at the option of the Governor General in Council, either to confer the rights which the offender possessed in the lands on his heirs, upon their agreeing to make good all sums whatever that may be due from him to Government on account of the lands forfeited, and to pay the fixed public revenue assessed upon them, or, if the property forfeited be a dependant *talook*, the revenue payable from it to the proprietor within whosee state it may be situated; or, to order the lands to be disposed of at public sale, under the rules prescribed for the sale of lands so forfeited in Regulation XLV. 1793.

If the forfeiture should stand confirmed, the Governor General in Council to confer the estate on the heirs of the offender, or to dispose of it at public sale.

XXIV. If a farmer of land holding a farm immediately of Government, shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from any *zillah* court, on proof of the resistance being made by oath to its satisfaction, the court is to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house or building, or retire to any place so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed period, or, if he shall appear within the limited time, and after receiving his answer to the charge, and hearing the evidence which he may have to produce in his defence, it shall be proved to the satisfaction of the court, that he is guilty of the charge, the court is to decree the lease cancelled from the expiration of the Bengal, Fussilly, or Willaity year, (according as the farm may be situated in Bengal, Behar, or Orissa,) in which the decree may be passed. If the offender shall not appeal to the provincial court of appeal within the time limited for preferring appeals to that court in Section 12, Regulation V. 1793, the court is immediately to transmit to the Governor General in Council a copy of the decree and of all the proceedings respecting the charge. If the offender shall appeal to the provincial court of appeal within the prescribed period, and the court should confirm the decision of the *zillah* court, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and the offender shall not lodge an appeal within the time limited for preferring appeals to that court in Section 10, Regulation VI. 1793, the provincial court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the *zillah* court, to the Governor General in Council. If an appeal from the decision of the provincial court shall be admitted, and the Sudder Dewanny Adawlut should confirm the decree of the provincial court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council. That no doubt may be entertained from what decrees passed by the provincial courts of appeal under this section, an appeal is to be allowed to the Sudder Dewanny Adawlut, it is declared, that an appeal shall not lie to the last mentioned court, unless the revenue payable to

Courts how to proceed against persons holding farms of Government, who may resist their process.

Offender to be summoned to answer for his conduct.

Court how to proceed, if the offender shall not obey the summons.

A copy of the decree to be sent to the Governor General in Council, if the cause shall not be appealed in time.

If the offender should appeal, and the decision of the *zillah* court be confirmed, the provincial court to transmit a copy of the decree and proceedings to the Governor General in Council, in the event of the offender not appealing to the Sudder Dewanny Adawlut, or the cause not being appealable.

Sudder Dewanny how to proceed, if they should admit an appeal, and confirm the decree of the court.

Rule for determining from what decrees passed under this section an appeal

is to lie to the Sudder Dewanny Adawlut.

Option reserved to the Governor General in Council to confirm the decree or commute it for a fine, and to compel the farmer to perform the conditions of his lease.

By what court and how such fines are to be levied.

If the lease of the offender should be annulled, how balances due from him are to be recovered.

Farmers whose leases may be cancelled how to recover balances.

to Government by the offender for the year in which the decree may be passed on account of the lands the lease for which may be adjudged annulled, shall exceed one thousand sicca rupees. It shall be at the option of the Governor General in Council, within four weeks after the receipt of a decree adjudging the lease of a farmer annulled under this section, either to order the decree to be executed, or to commute the forfeiture of the lease for such fine as upon a consideration of the situation and circumstances in life of the offender, he may think adequate to the offence for which the decree may be passed; or, if the offender shall not be desirous of being continued in his farm, to fine him as above prescribed, and compel him to retain the farm during the remainder of the lease, and to hold him and his surety responsible for the discharge of their engagements until the term of them shall expire. If a fine shall be imposed upon the offender, the court which shall have transmitted the final decree and proceedings to the Governor General in Council, upon receiving notice of the fine, is to levy the amount of it by the same process as is prescribed for enforcing decrees of the court. But if the Governor General in Council shall not within four weeks after the decree shall have been received by him, either order it to be executed, or commute the forfeiture of the lease for a fine, the decree is to stand good against the offender, and the court is without delay to cause a copy of the decree to be sent to the collector. If the lease of the offender shall be annulled, and a balance shall be due from him to Government at the close of the year in which the lease may be cancelled, both he and his surety are to be held responsible for the payment of it, and the collector of the revenue of the *zillah* is empowered to proceed against them for the recovery of it in the manner prescribed in Section 20, Regulation XIV. 1793, for the recovery of balances due from farmers whose leases may be declared annulled under that regulation. The offender is permitted to prosecute in the *dewanny adawlut* of the *zillah* in which the farm may be situated, the dependant *talookdars*, under-farmers, and *ryots*, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him on account of the period during which his lease remained in force.

Zillah and city courts how to proceed against persons resisting process, who are not proprietors of land, *talookdars*, or farmers.

Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons.

Persons fined by any *zillah* or city court under this section to be allowed an appeal to the higher courts under the regulations.

XXV. If any person not being a *zemindar*, independent *talookdar*, or other actual proprietor of land, or a dependant *talookdar*, or a farmer of land holding a farm immediately of Government, shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from the court of *dewanny adawlut* established in any *zillah*, or in either of the three cities of Patna, Dacca, and Moorshedabad, on proof of the resistance being made by oath to its satisfaction, the court is to cause the offender to be summoned to answer to the charge. If the person for whom the summons may be issued shall abscond, or shut himself up in his own, or any house, or building, or retire to any place so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding, or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed period, or if he shall appear within the limited time, and after receiving his answer, and hearing the evidence which he may have to produce in his defence, it shall be proved to the satisfaction of the court, that he is guilty of the charge, the court is to adjudge the offender to pay such fine to Government as may appear to it proper, upon a consideration of his situation and circumstances in life, and the offence of which he may be convicted. If the offender shall not prefer an appeal to the provincial court of appeal within the time prescribed for lodging appeals, the court is to proceed to levy the amount by the same process by which it is empowered to carry its decrees for sums of money into execution. If the offender should appeal to the provincial court of appeal within the prescribed time, and the court should confirm the decision of the *zillah* or city court, the rules regarding appeals to the Sudder Dewanny Adawlut from the decisions of the provincial courts of appeal for sums of money, are to be held applicable to decisions which may be passed by the provincial courts under this section. If the provincial courts should confirm the decision of the *zillah* or city court, and the fine should not exceed one thousand sicca rupees, or if it should be above that sum, and the offender shall not prefer an appeal to the Sudder Dewanny Adawlut wtihin the time prescribed for lodging appeals, the court is to proceed to levy the amount by the same process by which it is empowered to carry its decrees for sums of money into execution.

XXVI. The judges of the *zillah* and city courts are to insert in their decrees the names of the witnesses whose depositions may have been taken, the title of every exhibit read in the cause, and the amount of the annual produce of the land, or the sum of money, or the value of the property or thing decreed. The decree is to be sealed with the seal of the court, and signed by the judge, and dated on the day on which it may be passed. The judge, or the register, either at the time of making the decree, or on a subsequent day, (of which the court is to give notice to the parties or their *vakeels*,) within ten days after passing the decree, is to deliver or tender in open court to each party, or their *vakeels*, a true copy of the decree authenticated as above directed, with an endorsement made upon it by the register of the date on which the copies may be delivered; and an entry of the delivery or tender, with the date on which it may be made, is to be inserted by the register in the margin of the record opposite to the decree. If either of the parties, or their *vakeels*, shall not be present at the time the decree may be passed, and the prescribed copy of it may be produced in the court to be delivered, or shall not attend on the subsequent day which may be fixed for the delivery of the copies, after previous notice of the day shall have been given to them, or shall refuse to take the copy of the decree when tendered as above directed, the copy is to be deposited amongst the records of the court, and the cause of the non-delivery of it to the party is to be noted upon it in writing, and in the margin of the record opposite to the decree, under the official signature of the register.

What the decrees of the courts are to contain. To be sealed with the seal of the court, and signed by the judge, and dated on the day on which they may be passed.

Judge or register, within ten days to tender in open court a copy of the decree to the parties, on a day of which previous notice is to be given. Register to endorse on the decree the date on which it may be delivered or tendered.

Court how to proceed in the event of parties or their *vakeels* not being in attendance to receive a copy of the decree, or of their refusing to take it.

A. D. 1793. REGULATION V.

A REGULATION *for establishing four Provincial Courts of Appeal for hearing Appeals from Decisions passed in the several Zillah and the three City Courts, and defining their Powers and Duties, and prescribing Rules for receiving and deciding upon Appeals, and other causes of which they are declared to have Cognizance.*—PASSED *by the Governor General in Council on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

PARTIES in suits instituted in the late courts of *mofussil dewanny adawlut*, who considered themselves aggrieved by decisions of those courts, had no tribunal to which they could apply for redress but the Sudder Dewanny Adawlut, or court of appeal established at Calcutta. Individuals residing in the interior parts of the country, whose circumstances would not admit of their entertaining a *vakeel* at a heavy and an unlimited expence for the special purpose of prosecuting an appeal, in addition to the authorized charges and other expences which necessarily attended the carrying on a law process in a court situated at so great a distance, and whose occupations prevented their repairing to Calcutta in person, were consequently often under the necessity of submitting to decisions by which they deemed themselves injured, even in suits that were appealable. In addition to this evil arising from the local situation of the Sudder Dewanny Adawlut, the court being composed of the Governor General and the members of the Supreme Council, it became necessary, notwithstanding the then limited jurisdiction of the *mofussil dewanny* courts, to restrict appeals to decisions respecting property exceeding a certain and very considerable amount or value, to prevent a greater number of appeals being preferred than the general administration of the public affairs would allow of their hearing. The decisions of the courts of *mofussil dewanny adawlut* were accordingly made final in suits for money, or for personal property, in which the sum, or the value of the thing decreed, did not amount to more than one thousand sicca rupees, and for landed estates paying an annual revenue to Government not exceeding one thousand sicca rupees, and for lands exempted from the payment of public revenue, the annual produce of which was not above one hundred sicca rupees. The principal part of the suits which were instituted in the courts, not being appealable under the above limitations, the greater proportion of the suitors, consisting of claimants to landed property, traders, manufacturers, and other persons chiefly of the lower and most industrious orders of the people, had consequently no remedy against unjust or erroneous decisions. In suits regarding arrears of rent or revenue, between the various descriptions of proprietors and farmers of land, and their dependant *talookdars*, under-farmers, and *ryots*, and others concerned in the collection of the rents and revenues arising from land, and in matters between Government and proprietors and farmers of land respecting the public revenue, (which were excluded from the jurisdiction of the courts of *dewanny adawlut*, and cognizable by the collectors in the late courts of *maal adawlut* or revenue courts,) obstacles equally great existed to the prosecution of the appeal, which lay in such cases to the Board of Revenue, and

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the Governor General in Council, in addition to the further impediments occasioned by the irregularity in the process, and the defects in the constitution of the revenue courts. The jurisdiction of the courts of *dewanny adawlut* established in the several *zillahs*, and the cities of Patna, Dacca, and Moorshedabad, being now extended not only to the causes which were cognizable in the courts of *maal adawlut*, but to civil suits of all descriptions between individuals, and, under certain restrictions, between Government and its subjects; and it being essential to the prosperity of the country, that all persons, especially the cultivators of the soil, the traders, and manufacturers, and the other classes of the lower and most industrious orders of the community in the different parts of the provinces, who may be dissatisfied with the decisions of those courts, should have an appeal to a higher court to which they can have ready access; and that this court should be so constituted, that they may look up to it with confidence for speedy redress against unjust or erroneous decisions; the Governor General in Council has enacted as follows.

Four provincial courts of appeal established. Places at which the four courts are to be established, and their respective denominations. Three judges to be appointed to each court. Their official appellations.

II. Four courts of appeal shall be established, one in the vicinity of Calcutta, one at the city of Patna, one at the city of Dacca, and one at the city of Moorshedabad, to be denominated respectively, the provincial court of appeal for the division of Calcutta, Patna, Dacca, and Moorshedabad. Each court is to be superintended by three judges, who are to be styled, the first, second, and third judge of the court to which they may be appointed. Every judge, previous to entering upon the execution of the duties of his office, is to take and subscribe the following oath before the Governor General in Council, or any person whom he may commission to administer it. "I A. B. appointed judge of the provincial court of appeal for the division of ————, solemnly swear, that I will administer justice conformably to the regulations that have been, or may be, passed by the Governor General in Council, according to the best of my ability, knowledge, and judgment, without fear, favour, promise, or hope of reward; that I will not receive, directly or indirectly, any present or *nuzzer*, either in money or effects of any kind, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or have been decided in the court of appeal of which I am appointed a judge; that I will not knowingly permit any person or persons under my authority, or in my immediate service, to receive, directly or indirectly, any present or *nuzzer*, in money or effects of any kind, from any party or person whomsoever, on account of any suit, to be instituted, or which may be depending, or have been decided in the court; that I will render a true and faithful account of all sums of money that may be paid into the court, or disbursed from it; that I will not be concerned, directly or indirectly, in the purchase of goods or commodities in the British dominions in Bengal for the purpose of remitting money to Europe, or in any commercial transactions; and that I will not derive, directly or indirectly, any emoluments or advantages from my station, excepting such as the orders of Government do or may authorize me to receive. So HELP ME GOD."

Oath to be taken by the judges.

Jurisdiction of the provincial courts of appeal.

III. The jurisdiction of the provincial courts of appeal, is to extend over the cities and *zillahs* hereafter specified.

Division of Patna.

Jurisdiction of the provincial court of appeal for the division of Patna.

The city of Patna, and the *zillahs* of Behar proper, Shahabad, Sarun, Tirhoot, and Ramgur.

Division of Dacca.

Jurisdiction of the provincial court of appeal for the division of Dacca.

The city of Dacca, and the *zillahs* of Sylhet, Mymensing, Dacca Jelalpore, Tipperah, and Chittagong.

Division of Moorshedabad.

Jurisdiction of the provincial court of appeal for the division of Moorshedabad.

The city of Moorshedabad, and the *zillahs* of Moorshedabad, Boglepore, Rajeshahy, Purneah, Dinagepore, Rungpore, and the districts under the superintendence of the commissioner at Cooch Behar, which are not included in the independent territories of the Rajah of Cooch Behar.

Division of Calcutta.

Jurisdiction of the provincial court of appeal for the division of Calcutta.

The *zillahs* of Nuddeah, Jessore, Beerbhoom, Burdwan, Midnapore, including the salt districts to the west of the Hoogly river, the Twenty-four Purgunnahs, and the *zillah* of Calcutta,

cutta, consisting of the districts under the collector of Calcutta, which are not included in the jurisdiction of the Supreme Court of Judicature.

IV. The provincial courts of appeal for the divisions of Patna, Dacca, and Moorshedabad, are to at held respectively at the cities of Patna, Dacca, and Moorshedabad; and the provincial court of appeal for the division of Calcutta, in the vicinity of Calcutta. The courts are to be held in a large and convenient room three days in every week, (excepting for the period during which the judges may be employed in making the half yearly jail deliveries in their capacity of judges of circuit, under Regulation IX. 1793,) or oftener if the business shall require it, and no rule, order, proceeding, or decree, is to be made but on court days, and in open court.

Where the provincial courts of appeal are to be held.

Courts to be held in a large room, three days in each week, or oftener if necessary.

No decree, order, &c. to be made, but on court days, and in open court.

V. The provincial courts of appeal for the divisions of Calcutta, Moorshedabad, and Dacca, are to use a circular seal of two inches in diameter, with an inscription to the undermentioned effect, in the Persian and Bengal characters, and languages. The provincial court of appeal for the division of Patna, is to use a seal of the same shape and dimensions, with a similar inscription in the Persian character and language, and the Hindoostanee language and Nagree character. "The seal of the provincial court of appeal for the division of——."

Seals of the court.

VI. The provincial courts of appeal are empowered to try and determine in the first instance, any suit or complaint, or any matter whatever of a civil nature, which may be transmitted to them for that purpose by the Governor General in Council, or by the Sudder Dewanny Adawlut, and to order the decree which they may pass to be executed by the judge of the proper *zillah* or city court, in the same manner as the decrees of the *zillah* and city courts are directed to be enforced.

Provincial courts to try cases referred to them by the Sudder Dewanny Adawlut or the Governor General in Council, and to order their decree to be enforced by the *zillah* or city court.

VII. The provincial courts of appeal are empowered to receive any original suit, or complaint, which may be cognizable in any *zillah* or city court within their respective jurisdictions, and to command the judge of such *zillah* or city court, by a precept under the seal of the court and attested by the register, to receive the suit or complaint, and to proceed to hear and determine it, provided proof shall be previously made to their satisfaction that the judge, refused or omitted to receive or proceed in it. If the plaintiff shall refuse or neglect to proceed in the suit or complaint, for the space of six weeks after the order of the provincial court of appeal may be received by the *zillah* or city court, the judge is authorized to dismiss it, notwithstanding the order of the provincial court of appeal. In such cases, the judge within one week after the dismission of the suit, is to certify to the provincial court of appeal, under his hand and the seal of the court, that the suit or complaint has been dismissed, and the grounds of the dismission.

Cases in which the provincial courts of appeal are empowered to refer original suits to the *zillah* or city courts to be tried and determined.

Suit or complaint to be dismissed, if the party preferring it shall omit or refuse to proceed in it for six weeks.

Judge to notify the dismission of the suit to the provincial court.

VIII. The provincial courts are empowered to receive any petitions respecting suits or matters that may be depending, or have been decided, in any* zillah *or city court within their respective jurisdictions, and provided it shall be proved to their satisfaction that the petition was presented to the judge, and that he refused or omitted to receive it, or to comply with it, and the prayer of the petition shall appear to the court just and reasonable, and consistent with the regulations, and that it was the duty of the judge to have complied with it, the court are empowered to issue a precept under the seal of the court, and attested by the register, commanding the judge to receive the petition, and to proceed respecting it in such manner as they may think proper to direct, and return by a limited period what he has done in consequence of such command.*

Cases in which the provincial courts may receive petitions respecting suits or matters depending or which may have been decided in any zillah *or city court.*

Provincial courts how to proceed with such petitions.

IX. The provincial courts of appeal are prohibited corresponding by letter with parties in suits, or process, or matters depending before them, or coming within their cognizance. If a party in a suit, or any person amenable to the jurisdiction of the court, shall have any matter to represent to the court, he is either to appear in the court in person, and represent the matter in writing, or make the representation in writing, through an authorized *vakeel*. The court are to pass whatever order upon the representation may appear to them proper, consistently with the regulations, and to cause a copy of the order to be delivered to the person making the representation, or to his *vakeel*, under the seal of the court, and attested by the register. The provincial courts of appeal are also prohibited corresponding by letter with

Courts of appeal not to correspond with parties in suits, or any person respecting matters cognizable in the court.

Provincial courts of appeal prohibited correspond-

* This section is rescinded by Section 5, Regulation II. 1798.

ing by letter with the judges of the *zillah* and city courts.

the judges of the *zillah* or city courts, respecting any cause or matter before them, or upon any matters whatever on which they may not be especially empowered so to correspond. When they shall have occasion to issue an order to the judge of any *zillah* or city court, or require information from him on the subject of any suit or matter before them, the court are to issue a precept under their seal and the signature of the register, commanding the judge to execute the order, or requiring him to furnish the information ; and the judge to whom the precept may be directed is to perform the exigence of it, or return good and sufficient reason why he has not done it.

Provincial courts of appeal empowered to receive charges of corruption which may be preferred to them against the judges of the zillah *or city courts.*

Rules to be observed in receiving such charges.

X. If any person shall charge the judge of a* zillah *or city court, before the provincial court of appeal of the division, with having been guilty of corruption in opposition to his oath, the provincial court is to receive the charge and forward it to the Sudder Dewanny Adawlut, provided the complainant shall previously make oath to the truth of the charge, (or subscribe the required declaration, if he shall be of the description of persons whom the court is empowered to exempt from taking oaths,) and give security in whatever sum the court may judge proper, to appear and prosecute the charge when required. Unless the complainant shall take the oath, or subscribe the abovementioned declaration, and give the required security, the court is not to receive the charge.* In all other cases not expressly provided for in this regulation, in which it shall appear to the provincial courts of appeal, that the judges of the *zillah* or city courts have been guilty of negligence or misconduct in the discharge of their duty, they are to report the circumstances to the Sudder Dewanny Adawlut.

Provincial courts to report to the Sudder Dewanny Adawlut all cases of misconduct or neglect in the judges not expressly provided for by this regulation.

By what rules the provincial courts are to proceed in cases referred to them for trial in the first instance, and in appeals preferred to them from the decisions of the *zillah* and city courts.

XI. In suits or complaints which may be transmitted by the Governor General in Council, or the Sudder Dewanny Adawlut, to be tried and determined by the provincial courts of appeal, and also in appeals from the decisions of the *zillah* and city courts, (except as to hearing witnesses and receiving evidence,) the provincial courts are to proceed in the same manner, and with the like powers and authority, and subject to the same restrictions, limitations, and exceptions, as are prescribed to the *zillah* and city courts.

Persons deeming themselves aggrieved by the decision of any *zillah* or city court, at liberty to appeal to the provincial court of appeal.

What the petition of appeal is to contain.

Petition of appeal to be accompanied with a copy of the decree, or a written declaration from the party or his *vakeel*, that he applied for a copy of the decree within ten days, and was denied it.

Period limited for preferring appeals.

Cases in which the provincial court may admit appeals after the limited time.

Court to record their reasons for admitting an appeal after the limited time.

Execution of decrees for real property passed in favour of the plaintiff to be suspended, upon the appellant giving the security herein specified.

XII. Any person who may consider himself aggrieved by the decision of a *zillah* or city court, is permitted to appeal from it, by petition to the court of appeal within the jurisdiction of which the court wherein the decision shall have been passed may be situated. The petition is to state, (respect being had to the matter decreed,) the annual produce of the lands, whether *lakheraje* or *malguzaree*, the sum of money, or the value of the property which may be decreed, the name of the person in whose favour the decree may be given, the court in which it may have been passed when it was made, what was decreed by it, and whether the decree has been executed ; and is to assign some cause, special or general, for appealing from the decision. The petition is to be accompanied with an attested copy of the decree of the *zillah* or city court, or by a written declaration signed by the party desirous to appeal, or his *vakeel*, that ten days after the decision was passed, he applied to the judge of the court for a copy of the decree, and was denied it. The petition is to be presented to the court in which the decree appealed against may have been passed, or to the provincial court of appeal of the division in which such court may be situated, within three calender months after the day on which the decree may be given. But it shall nevertheless be permitted to such person, to prefer his petition of appeal to the provincial court of appeal after the expiration of the three months, and the court is authorized to admit the appeal, provided the petitioner can show just and reasonable cause to their satisfaction for not having preferred it within the limited period. But whenever a provincial court of appeal shall admit an appeal which may be preferred to them after the limited time, they are to enter upon the record of the trial, their reasons at large for admitting the appeal. If the petition of appeal shall be against a decree whereby the right of possession of any *zemindaree*, independent or dependant *talook*, or any land or house, or other real property, shall be decreed to the plaintiff, all proceedings are to be immediately suspended, and no execution is to be had, or possession given under the decree, until the appeal shall have been finally determined in the provincial court of appeal, provided the party against whom the decree may be passed shall enter into good and sufficient security, in a sum equal to one year's amount of the annual produce of the *zemindaree*,

* Rescinded by Section 2, Regulation X. of 1806.

talook, or other land, or house, or real property, which shall have been decreed, to abide by, and perform, whatever order may be passed in the provincial court of appeal. But if the party appealing shall neglect or refuse to enter into such security, on or before the court day next after the day on which the appeal may be preferred, the court by which the decision may have been passed, is to order the decree to be executed. In all other cases, the *zillah* or city court in which the decree may have been passed, may order the decree appealed against, either to be carried into execution, or direct that sufficient security be given by the party against whom the decree may have been passed, in an amount equal to the sum of money, or the value of the thing decreed, for the performance of the decree. If the *zillah* or city court shall order the decree to be executed, security is to be taken from the party in whose favour the decree may be passed, in a sum of money equal to the amount or value of the thing decreed, for the due performance of such order or decree, as may be made in the provincial court of appeal. * *In all cases, however, the party appealing is to give good and sufficient security in such sum as to the* zillah *or city court may seem proper, upon a consideration of the amount or value of the property or thing decreed, (provided that the security so to be taken be not in any case for a greater sum than five hundred rupees,) for the payment of the costs that the provincial court of appeal may judge it proper to award, and for the performance of the decree which it may pass.* When the securities hereby required shall have been entered into, the judge of the court is immediately to endorse on the petition in his own handwriting the day of the month and year in which it was presented, and sign it with his name, and cause to be written in the margin of the record immediately opposite to the decree of the court, the word "appealed," and transmit the petition to the provincial court of appeal. The court is at the same time to direct notice in writing to be given to the appellant, that within fifteen days, the proceedings held in the cause appealed, will be certified to the provincial court of appeal; and that if he shall not proceed in the appeal within six weeks after it shall have been filed in the provincial court, his appeal will be dismissed, unless he shall show reasonable cause to the satisfaction of the provincial court for not having proceeded in it.

Such decrees to be executed, upon the appellant failing to give the required security.

In all other cases, the court may either execute the decree appealed against, or take security from the appellant for the performance of it.

If the court shall order the decree to be executed, security to be taken from the party in whose favour it may be made for the performance of the decree of the provincial court.

In all cases, however, the appellant to give the security herein required.

When the appellants have entered into the securities required, the judge is to make the endorsement herein required on the petition; to transmit it to the provincial court of appeal; to notify to the appellant that the proceedings will be certified to the provincial court in fifteen days; and that if he shall not proceed in the appeal in six weeks from the date of its being filed in the provincial court, it will be dismissed.

XIII. The judge of the *zillah* or city court, within fifteen days after the receipt of the appeal, is to certify under his hand and the seal of the court, to the register of the provincial court of appeal, the record duly made up and authenticated, including the original complaint, answer, replication, and rejoinder of the parties; the original depositions, exhibits, and every original paper read in the cause. Previous to transmitting the abovementioned papers to the provincial court of appeal, he is to cause true and faithful copies of all the originals, authenticated by the *serishtadar*, or the head native officer of the court, to be made out and deposited in the *zillah* or city court in lieu of the originals. The copies are to be deemed records of the court, and are to be received in evidence in any other *zillah* or city court. In cases where any original deposition, or other original proceedings or matter whatsoever, shall have been previously entered in any *zillah* or city court, in any book, which may likewise contain either proceedings in other distinct causes, or any other matter, so that such original papers cannot be transmitted to the provincial court of appeal without the other proceedings or matters, the judge of the *zillah* or city court, within the time, and in the manner before directed, is to certify a true and authentic copy of such original papers, and that the original of each copy transmitted, is so entered in such book. But he is nevertheless to transmit the original complaint, the original answer, or other separate pleadings of the parties, and the original exhibits which shall have been delivered in, or produced by the parties, and read in the course of the cause before the court, if they be forthcoming, in the manner before required. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings, the copy is to be deemed the original, and the judge is to transmit a copy of it to the provincial court of appeal, and in like manner to certify it, and that the original after due search cannot be found.

Record, including original papers in the cause appealed, to be transmitted to the register to the provincial court in fifteen days after the receipt of the appeal.

Copies of all the original papers transmitted to be attested by the *serishtadar*, and deposited amongst the records of the court.

Copies to be deemed records of court, and to be received in evidence.

Copies of original papers to be sent to the provincial court, where the originals cannot be sent for the reasons herein specified.

Recorded copies of original papers not forthcoming, to be deemed the originals, and copies of them to be forwarded and certified as herein required.

XIV. If a petition of appeal shall be presented in the first instance to the provincial court of appeal against any degree of a *zillah* or city court, whereby the right to any *zemindaree*, independent or dependant *talook*, or any land or house or other real property shall have been decreed to the plaintiff in the original cause, and no execution shall have taken place, or possession been given under the decree of the *zillah* or city court,

Cases in which the provincial courts are empowered to order the *zillah* or city courts to suspend the execution of decrees, appeals from which may be presented to them in the first instance.

* Rescinded by Section 9, Regulation II. 1798.

 provided

provided the party against whom the decree may have been passed, shall have entered into good and sufficient security in a sum equal to one year's amount of the annual produce of the *zemindaree, talook*, land, or house, or other real property, which shall have been so decreed, to abide by and perform whatever order may be passed in the provincial court of appeal, the court is to issue an order to the judge of the *zillah* or city court the decree of which shall be appealed against, to suspend the execution of it until the appeal shall have been finally determined. And in every case where a petition of appeal shall be preferred in the first instance immediately to the provincial court of appeal, and no security shall have been taken by the *zillah* or city court, the provincial court is not to proceed in the appeal, until the party appealing shall have entered into such security as he would have been required to have given had he preferred his petition of appeal to the *zillah* or city court.

All process of the provincial courts of appeal (with the exception herein specified) to be issued through the *zillah* and city courts.

XV. All process, both to parties and witnesses, and every rule, or order, for the execution of a decree, or final order, and every other order whatever, which may issue from the provincial courts of appeal, whether originating with the provincial courts, or issued pursuant to orders from the Sudder Dewanny Adawlut, is to be written or printed in the Persian and Bengal languages, in Bengal and Orissa, and in the Persian language, and the Hindoostanee language and Nagree character, in Behar, and sealed with the seal of the provincial court, and signed by the register. All such process, rules, and orders, which are to be served or executed on any parties, witnesses, or persons, (exclusive of the parties, *vakeels*, or persons, in actual attendance on the court,) are to be directed to the judge of the *zillah* or city court in which the cause of action shall originally have arisen, or in whose jurisdiction the lands may be situated, or the parties may be, or reside. Every such process, rule, and order, is to limit a certain time in which it is to be served, executed, and returned to the provincial court of appeal. If the judge of a *zillah* or city court, to whom any process, rule, or order whatever may be directed, shall wilfully disobey, or neglect to perform the commands contained in it, or make a false return, the provincial court are positively enjoined to report immediately such disobedience, neglect, or false return, to the Sudder Dewanny Adawlut, and the judge so offending shall be liable to be suspended from his office by the Sudder Dewanny Adawlut. If the Sudder Dewanny Adawlut should suspend the judge, they are to notify the suspension to the Governor General in Council within ten days after it may take place, together with the cause of it; and certify under the seal of the court, the proceedings, depositions, and exhibits, and all other matters which may be necessary to enable the Governor General in Council to pass a determination upon the suspension, and to transmit to him, on his requisition, any further papers and proceedings respecting the cause which he may deem necessary for his information.

Provincial courts of appeal enjoined to acquaint the Sudder Dewanny Adawlut, whenever the *zillah* or city courts refuse or omit to obey or to conform to their process or requisitions.

Judges of the *zillah* and city courts, liable to be suspended by the Sudder Dewanny Adawlut for such offences. Sudder Dewanny Adawlut to report to the Governor General in Council the suspension of judges under this article within ten days.

Process of the provincial courts, how to be served by the judges of the *zillah* and city courts.

To return the process executed, or reasons why it has not been executed.

Form and manner in which the return is to be made.

XVI. In all cases in which process either to a party or witness, and all process whatever, and every rule, or order, for the execution of any decree, or final order, or any order relating to a cause depending in a provincial court of appeal, which may be directed by such court to the judge of a *zillah* or city court, the judge to whom the process may be directed is to execute the order contained in the process, rule, or order, and return it so executed within the time limited, or return to the provincial court good and sufficient reason why it has not been served or executed. When any process, rule, decree, or order for the execution of any decree, or final order, or any order whatever, shall be transmitted by the provincial court of appeal to the judge of a *zillah* or city court to be served or executed, the return to such process, rule, order, or decree, is to be made by the judge of the *zillah* or city court, either by endorsement on the process, rule, order, or decree, or to be written on a paper firmly annexed to it; and, if the return be made in the last mentioned manner, there is to be an endorsement on the process, rule, order, or decree, referring the provincial court of appeal to the return contained on such annexed paper; and the judge is to cause a copy of the process, rule, order, or decree, together with the return to it, to be deposited amongst the records of his court. And in all cases in which the provincial court of appeal shall transmit any order or process to be served or executed by the judge of a *zillah* or city court against a party in a cause, and the party on whom it is to be served or executed, is not, after diligent search, to be found, or shall have absconded or shut himself up in his own or any house or building, or retired to any place so that the process cannot be served upon him, the judge to whom the process is directed is to cause to be stuck up in

Judge to cause a copy of the process and return to be deposited amongst the records of the court.

Judge how to proceed in case any such process cannot be served upon the party, in consequence of his absconding or otherwise avoiding it.

some conspicuous part of the room in which the court may be held, a writing, (in the Persian and Bengal languages, if it be in Bengal or Orissa, and in the Persian language, and the Hindoostanee language and Nagree character, if it be in Behar,) containing a copy of the order or process, and a notice, that if the party shall not obey the exigence of it within the time limited, the provincial court of appeal will, without further notice, process, or order, proceed *ex parte* to hear, try, and determine the cause to which such process or order may relate; and the judge is likewise to cause a copy of such writing to be stuck up with all practicable dispatch on the outer door of the house in which the party may have usually dwelt, or in some conspicuous place in the village in which he may have usually resided, and to return to the provincial court of appeal in the manner before directed, how he has executed the process.

Judge to fix up a writing in his court-room and at the place of residence of the party.

What the writing is to contain.

XVII. If the judge of a *zillah* or city court, to whom any process, rule, or order of a provincial court of appeal may be transmitted, that it may be served or executed on any party, shall return that the party has absconded, or shut himself up in his own, or any house, or building, or retired to any place so that the process could not be served upon him, or was not after diligent search to be found, and that he had caused the writing to be fixed up, in the places and manner directed, and the party shall not appear, and obey the exigence of the process, rule, or order, the provincial court is to proceed *ex parte* to try and determine the cause in which the process, rule, or order, shall have issued, in the same manner as if the party had appeared and obeyed the exigence of the process.

Provincial courts to proceed *ex parte*, when the *zillah* or city courts report that a party has absconded or was not to be found, after the forms herein directed have been observed.

XVIII. The provincial courts of appeal are empowered in cases of appeals, in which it shall appear to them that the original suit has not been sufficiently investigated in the *zillah* or city court, or for any other cause that may be deemed reasonable by the provincial court, either to receive such further evidence as they may think necessary for the just determination of the suit, and to give judgment upon it; or, to refer the suit back to the *zillah* or city court in which it originated, accompanied by such special directions to the judge with regard to the new evidence he is to receive respecting it, as may be deemed by the court most conducive to justice, and the convenience of the parties and witnesses. But in every case in which the provincial courts may exercise the power above vested in them by this section, they are to enter upon the record of the trial their reasons for having exercised it. In cases in which the court may judge it proper to receive such further evidence themselves, they are empowered, according as they may deem most conducive to justice, (respect being had to the nature of the cause, and the evidence,) either to examine the witnesses to be produced, *vivâ voce*, in open court, causing the witnesses to be first sworn, and their depositions to be reduced into writing, and signed by the deponents respectively; or, to authorize their register to swear the witnesses and take their depositions, and to cause the deponents to sign them, and to authenticate them with his signature. The register in such case, is to examine the witnesses in the presence of both parties or their *vakeels*, who are to be at liberty to put any questions to the witnesses that they may think proper; and the questions, with the answers to them, are in the same manner to be reduced into writing, signed, and authenticated. But if due notice be given to the parties or their *vakeels*, of the examination of any witness or witnesses before the register, and he or they shall not attend at the time of the examination, the register is to proceed in the examination as before directed, and the depositions are to be received as good and authentic evidence.

Cases in which the provincial courts of appeal are empowered to take new evidence in appeals, or to refer them back for further evidence to the *zillah* or city courts.

Provincial courts to state their reasons upon the record of the trial, whenever they may exercise the powers above vested in them.

Courts empowered either to hear the evidence in the cases above specified *vivâ voce*, or to order their register to take it.

XIX. The provincial courts of appeal may dispense with the oaths of such descriptions of witnesses as the *zillah* and city courts are authorized to exempt from taking of oaths, on their signing the declarations in open court, which are required to be subscribed by such witnesses in the *zillah* and city courts. Where witnesses may be women of the description specified in Section 6, Regulation IV. 1793, or shall reside out of the jurisdiction of the court, and at a distance from it exceeding fifty *coss*, the court may grant such commissions as the *zillah* and city courts are authorized to grant, for the examination of such witnesses upon similar occasions. And the provincial courts of appeal may issue such commissions to creditable women, and send such letters to the judges of the *zillah* and city courts for the examination of witnesses, in the cases in which the judges of the *zillah* and city courts are authorized to send such commissions and letters.

Cases in which the provincial courts may dispense with the oaths of witnesses,

or direct their evidence to be taken by commission.

XX.

Provincial courts how to proceed where witnesses do not attend, or refuse to be sworn or to give evidence, or sign their deposition, or any persons are guilty of contempt of court, or perjury.

XX. If a witness duly summoned shall not attend, or attending shall refuse to be sworn, or to give evidence, or to subscribe his deposition, or if such witness, or any person shall be guilty of wilful or corrupt perjury in a cause depending in the court, or any contempt of court in open court, the provincial courts of appeal are to proceed with such witness or person, in the same manner as the *zillah* and city courts are authorized to deal with witnesses or persons in like manner offending.

Court to dismiss appeals, if the appellants omit to proceed in six weeks, without shewing sufficient cause for the omission.

Reasons for the dismission of the appeal to be recorded.

XXI. If the appellant in an appeal filed in the provincial courts of appeal shall not proceed in the appeal for six weeks, the appeal is to be dismissed, unless the appellant shall show reasonable cause to the satisfaction of the court for not proceeding in it; and the court may, if they shall deem it equitable so to do, award to the respondent costs of suit. But in all such cases, the court are to enter at large upon their proceedings the grounds upon which they may permit or refuse to allow the appellant to proceed.

No persons to be heard *vivâ voce* in any stage of the cause excepting principals, their witnesses, or their *vakeels* duly empowered.

XXII. In suits that may be referred by the Governor General in Council, or the Sudder Dewanny Adawlut, to the provincial courts of appeal, and in appeals which may be preferred to those courts, no proceedings are to be held either on behalf of the plaintiff or defendant, or any acts whatever done, either on behalf of the appellant or respondent, except by the plaintiff or defendant, the appellant or respondent themselves, or by a *vakeel* admitted to plead in the court under Regulation VII. 1793; nor by any *vakeel* before his *vakalutnamah* shall have been filed in the court; and no persons excepting such parties, or their witnesses, or such *vakeels*, shall be heard, *vivâ voce*, in any stage in the cause.

Provincial courts how to proceed against *zemindars*, independent *talookdars*, or other actual proprietors of land, or dependant *talookdars*, who may resist their process.

Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons.

Decree to be passed if the offender shall not appear, or shall appear, and be proved guilty of the charge.

XXIII. If a *zemindar*, independent *talookdar*, or other actual proprietor of land, or a dependant *talookdar*, shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from a provincial court of appeal, the court, on proof of the resistance being made by oath to their satisfaction, are to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed time, or, if he shall appear, and after receiving his answer to the charge, and hearing the evidence which he may produce in his defence, it shall be proved to the satisfaction of the court, that he is guilty of the charge, the court are to decree, that the offender shall from the date of their decree, forfeit his *zemindaree*, *talook*, or other estate in which such resistance shall have been made; or, if the resistance shall have been made out of the limits of the estate of the offender, the *zemindaree*, *talook*, or other landed property which he may possess within the jurisdiction of the *zillah* court, to which the execution of the process resisted may have been committed. If the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and the offender shall not lodge an appeal within the time limited for preferring appeals to that court in Section 10, Regulation VI. 1793, the provincial court is immediately to forward a copy of their decree and proceedings to the Governor General in Council. If an appeal shall be received from the decision of the provincial court, and the Sudder Dewanny Adawlut should confirm the decree, they are immediately to transmit a copy of their decree and proceedings, and of the decree and proceedings of the provincial court of appeal, to the Governor General in Council. That no doubt may be entertained from what decrees passed by the provincial courts of appeal under this section, an appeal is to be allowed to the Sudder Dewanny Adawlut, it is declared, that an appeal shall not lie to the last mentioned court, unless the annual produce of the lands of the offender which may be adjudged forfeited (calculating according to the amount paid and payable to the offender by the dependant *talookdars*, under-farmers, and *ryots*, on account of the year in which the decree may be passed) shall exceed one thousand sicca rupees. In the event of an appeal from the decree of the provincial court being presented to the Sudder Dewanny Adawlut, and the admission or rejection of the appeal should depend upon the produce of the lands for the year before mentioned exceeding or falling short of one thousand sicca rupees, the Court of Sudder Dewanny Adawlut is to order the provincial court to obtain the necessary information regarding the produce, and after receiving their report, admit or reject the appeal, according as they may deem equitable. It shall be at the option of the Governor General

A copy of the decree to be sent to the Governor General in Council, if the cause shall not be appealable, or not be appealed in time.

Sudder Dewanny Adawlut how to proceed, if the suit should be appealed to them, and they should confirm the decision of the provincial court.

Rule for determining from what decrees of the provincial courts passed under this section, an appeal is to lie to the Sudder Dewanny Adawlut.

neral in Council, within four weeks after the receipt of a decree adjudging the lands of any person forfeited under this section, either to order it to be executed, or to commute the forfeiture for such fine, as, upon a consideration of the situation and circumstances in life of the offender, he may think adequate to the offence for which the decree may be passed. In the event of the Governor General in Council commuting the forfeiture for a fine, the court which shall have transmitted the decree and proceedings to the Governor General in Council, upon receiving notice of the fine that he may impose, are to levy the amount of it by the same process by which they are directed to enforce decrees of the court. But if the Governor General in Council shall not within four weeks after the decree shall have been received by him, either order it to be executed, or commute the forfeiture for a fine, the decree is to stand good against the defaulter. In such case, or in the event of the Governor General in Council ordering the decree to be executed, the court is to issue a precept, under the seal of the court and the signature of the register, requiring the collector of the revenue of the *zillah* to depute an *ameen* with a proper establishment of officers (whose allowances are to be specified in the precept) to sequester the lands, and collect the rents and revenues. If the lands of the defaulter shall be deemed by the court too inconsiderable to admit of their being charged with the expence of an *ameen*, they are to direct a precept to be issued to the collector of the *zillah*, to order the nearest *tehsildar*, or other officer employed under him in the business of the collections, to take charge of the lands. The officer is to perform the duties prescribed to *ameens* in such cases, and under the same restrictions and penalties.

If the lands are decreed forfeited, the Governor General in Council may confirm the decree, or commute the forfeiture for a fine within four weeks after he may receive the decree.

If the forfeiture is commuted for a fine, by what court and how it is to be levied.

Decree of forfeiture to be final, if the Governor General in Council shall not order it to be executed, or commute it for a fine, within four weeks.

If the decree is declared or becomes final, the court to issue a process to the collector to sequester the lands.

XXIV. If the decree adjudging the lands of the offender forfeited, shall be confirmed or stand good under Section 23, it shall be at the option of the Governor General in Council, either to confer the rights which the offender possessed in the lands on his heirs, upon their agreeing to make good all sums whatever that may be due to Government from the defaulter on account of the lands forfeited, and to pay the fixed public revenue assessed upon them, or, if it be a dependent *talook*, the revenue payable from it to the proprietor within whose estate it may be situated; or, to order the lands to be disposed of at public sale, under the rules prescribed for the sale of lands so forfeited in Regulation XLV. 1793.

If the forfeiture should stand confirmed, the Governor General in Council to confer the estate on the heirs of the offender, or to dispose of it at public sale.

XXV. If a farmer of land holding a farm immediately of Government, shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from a provincial court of appeal, on proof of the resistance being made by oath to their satisfaction, the court are to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house or building, or retire to any place so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding, or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed period, or, if he shall appear within the limited time, and after receiving his answer to the charge, and hearing the evidence which he may have to produce in his defence, it shall be proved to the satisfaction of the court, that he is guilty of the charge, the court is to decree the lease cancelled from the expiration of the Bengal, Fusily, or Willaity year, (according as the farm may be situated in Bengal, Behar, or Orissa,) in which the decree may be passed. If the cause shall not be appealable, or if it shall be appealable, and the offender shall not lodge an appeal within the time limited for preferring appeals to that court in Section 10, Regulation VI. 1793, the provincial court is immediately to forward a copy of the decree and proceedings to the Governor General in Council. If an appeal from the decision of the provincial court shall be admitted, and the Sudder Dewanny Adawlut should confirm the decree, they are immediately to transmit a copy of their decree, and of the decree and proceedings of the provincial court of appeal, to the Governor General in Council. That no doubt may be entertained, from what decrees passed by the provincial courts of appeal under this section an appeal is to be allowed to the Sudder Dewanny Adawlut, it is declared that an appeal shall not lie to the last mentioned court, unless the *jumma* payable to Government by the offender for the year in which the decree may be passed, on account of the farm the lease for which may be adjudged annulled, shall exceed one thousand sicca rupees. It shall be at the option of the Governor General in Council, within four weeks after the receipt of a decree adjudging the lease of a farmer annulled under this section, either to order the decree to be executed, or

Provincial courts how to proceed against persons holding farms of Government, who may resist their process.

Offender to be summoned to answer for his conduct.

Court how to proceed, if the offender shall not obey the summons.

Decree to be passed by the court, if the offender shall not appear, or shall appear and be proved guilty of the charge.

A copy of the decree to be sent to the Governor General in Council, if the cause shall not be appealable, or not be appealed in time.

Sudder Dewanny Adawlut how to proceed, if they should admit an appeal, and confirm the decree of the court.

Rule for determining from what decrees passed under this section, an appeal is to lie to the Sudder Dewanny Adawlut.

Option reserved to the Governor General in Council to confirm the decree, or commute it for a fine,

and to compel the farmer to perform the conditions of his lease.

or to commute the forfeiture of the lease for such fine, as, upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed; or, if the offender shall not be desirous of being continued in his farm, to fine him as above prescribed, and compel him to retain the farm during the remainder of the lease, and to hold him and his surety responsible for the discharge of their engagements, until the term of them shall expire. If a fine shall be imposed upon the offender, the court which shall have transmitted the final decree and proceedings to the Governor General in Council, upon receiving notice of the fine, is to levy the amount of it by the same process as is prescribed for enforcing decrees of the court. But if the Governor General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed, or commute the forfeiture of the lease for a fine, the decree is to stand good against the offender, and the court is without delay to cause a copy of the decree to be sent to the collector. If the lease of the offender shall be annulled, and a balance should be due from him to Government at the close of the year in which the lease may be cancelled, both he and his surety are to be held responsible for the payment of it, and the collector of the revenue of the *zillah* is empowered to proceed against them for the recovery of it in the manner prescribed in Section 20, Regulation XIV. 1793, for the recovery of balances due from farmers whose leases may be declared annulled under that regulation. The offender is permitted to prosecute in the *dewanny adawlut* of the *zillah* in which the farm may be situated, the dependant *talookdars*, under-farmers, and *ryots*, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

By what court and how such fines are to be levied.

If the lease of the offender should be annulled, how balances due from him are to be recovered.

Farmers whose leases may be cancelled how to recover balances.

Court how to proceed against persons resisting process, who are not proprietors of land, *talookdars*, or farmers.

Offender to be summoned to answer for his conduct.

Court how to proceed, if the offender shall not obey the summons.

XXVI. If any person not being a *zemindar*, independent *talookdar*, or other actual proprietor of land, or a dependant *talookdar*, or a farmer of land holding a farm immediately of Government, shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from a provincial court of appeal, on proof of the resistance being made by oath to its satisfaction, the court is to cause the offender to be summoned to answer to the charge. If the person for whom the summons may be issued shall abscond, or shut himself up in his own, or any house or building, or retire to any place so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding, or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed period, or if he shall appear within the limited time, and after receiving his answer, and hearing the evidence which he may have to produce in his defence, it shall be proved to the satisfaction of the court, that he is guilty of the charge, the court is to adjudge the offender to pay such fine to Government as may appear to it proper, upon a consideration of his situation and circumstances in life, and the offence for which the decree may be passed. The rules regarding appeals to the Sudder Dewanny Adawlut from the decisions of the provincial courts of appeal, for sums of money, are to be held applicable to decisions which may be passed by the provincial courts under this section. If the fine shall not exceed one thousand sicca rupees, or if it shall be above that sum, and the offender shall not prefer an appeal to the Sudder Dewanny Adawlut within the time prescribed for lodging appeals, the court is to proceed to levy the amount by the same process by which it is empowered to carry its decrees for sums of money into execution.

Persons fined under this section, allowed an appeal to the Sudder Dewanny Adawlut under the rules for appealing from decisions passed for sums of money.

Court in what case and how to enforce such decrees.

Provincial courts empowered to order the *zillah* and city courts to enforce decrees for sums of money against proprietors of land, by the same process as they enforce such decrees passed by themselves.

XXVII. The provincial courts of appeal are empowered, in every case in which a sum of money is decreed to be paid by a *zemindar*, independent *talookdar*, or other actual proprietor of land, to issue an order to the proper *zillah* or city court to execute the decree, in the same manner as the *zillah* and city courts are authorized to execute decrees, by which a sum of money may be decreed to be paid by any of the descriptions of persons above mentioned.

Petitions of appeal from decisions founded on awards of arbitrators, to be dismissed with costs.

Exception to the rule.

XXVIII. If a petition of appeal shall be preferred against the decision of any *zillah* or city court founded on an award of arbitration, it is to be dismissed with costs, unless it be fully proved to the satisfaction of the court by the oaths of two credible witnesses, that the arbitrators have been guilty of gross corruption, or partiality, in the cause in which they have made the award.

XXIX. The petition of appeal, pleadings, depositions, and exhibits, in the provincial courts of appeal, are to be numbered, marked, dated, and signed by the register, in the same manner as the complaint, pleadings, depositions, and exhibits, are ordered to be numbered, marked, dated, and signed, by the register in the *zillah* and city courts. The decrees are to be signed by the judges present in court when the decrees may be passed, and attested by the register, and copies so signed and attested are to be delivered to the parties.

Proceedings of the provincial courts, how to be numbered, marked, dated, and signed.

Decrees to be signed by the judges, and attested by the register, and copies to be delivered to the parties.

XXX. The decrees of the provincial courts of appeal are to be final, in all suits in which the decree may be for land, or other real property being *lakheraje*, (or exempted from the payment of revenue to Government,) the annual produce of which shall not exceed one hundred sicca rupees; or for any *zemindaree*, independent *talook*, or other landed estate being *malguzaree* (or paying revenue to Government), where the produce shall not exceed one thousand sicca rupees per annum; or for any dependant *talook*, the annual produce of which shall not be more than one thousand sicca rupees; and in all other cases, where the decree shall be for a sum of money, or personal property, or real property not of the descriptions before mentioned, the amount or value of which shall not exceed the sum of one thousand sicca rupees.

Cases in which the decrees of the provincial courts of appeal are to be final.

XXXI. The provincial courts are not to require the* zillah *or city courts to furnish them with translates of papers written in the country languages, either in causes that may be appealed, or other matters.*

Provincial courts not to require translates of papers in the country languages from the* zillah *or city courts.

XXXII. In cases for which no specific rules may exist, the provincial courts of appeal are to act according to justice, equity, and good conscience.

Courts how to act in cases for which no rule may exist.

* This section is rescinded by Section 2, Regulation XIX. 1797.

A. D. 1793. REGULATION VI.

A REGULATION *for extending and defining the Powers and Duties of the Court of Sudder Dewanny Adawlut, and prescribing Rules for receiving and deciding upon Appeals from the Decisions of the Provincial Courts of Appeal.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

THE extension of the powers of the *zillah* and city courts of *dewanny adawlut*, or courts of judicature established in the several *zillahs*, and in the cities of Patna, Dacca, and Moorshedabad, for the trial of civil suits in the first instance, by Regulation III. 1793, and the erection of the four provincial courts of appeal, by Regulation V. 1793, having rendered it necessary to extend the powers of the Sudder Dewanny Adawlut, or court of appeal in the last resort in civil suits, and to modify the late regulations prescribed for its guidance, in conformity to the principles upon which the courts subordinate to it have been constituted; the following rules have been enacted.

Court to consist of the Governor General and the other members of the Supreme Council.

II. The Court of Sudder Dewanny Adawlut is to consist of the Governor General, and the other members of the Supreme Council.*

Seal of the court.

Court to be held in Calcutta.

To *sit de die in diem*, and to make reasonable adjournments.

No decree, order, &c. to be made but on court days, and in open court.

III. The court is to use a circular seal, two inches and a quarter in diameter, with an inscription to the following effect, in the Persian and Bengal characters and languages, and in the Hindoostanee language and Nagree character. "The seal of the Sudder Dewanny Adawlut." The court is to be held in a large and convenient room at Calcutta, and to sit *de die in diem* as the dispatch of business may require, and is empowered to make such reasonable adjournments as may be deemed expedient consistently with the business. No rule, order, proceeding, or decree, is to be made but on court days, and in open court.

Cases in which the Sudder Dewanny Adawlut is empowered to refer original suits or complaints to the *zillah* or city courts.

Suit or complaint to be dismissed, if the party preferring it shall refuse or omit to proceed in it for six weeks.

Judge to notify the dismission of the suit to the Sudder Dewanny Adawlut.

IV. *First.* The Sudder Dewanny Adawlut is empowered to receive any original suit or complaint which may be cognizable in any *zillah* or city court, and to command the judge of such court, by a precept under the seal of the court, and attested by the register, to receive the suit or complaint, and to proceed to hear and determine it, provided proof shall be previously made to their satisfaction that the judge refused or omitted to proceed in it, and that the complainant applied to the provincial court of appeal of the division, and that such court omitted or refused to command the judge to receive or proceed in it under Section 7, Regulation V. 1793. If the plaintiff shall refuse or neglect to proceed in the suit or complaint, for the period of six weeks after the order of the Sudder Dewanny Adawlut may be received by the *zillah* or city court, and notified to the complainant, the judge is authorized to dismiss it, notwithstanding the order of the Sudder Dewanny Adawlut. In such cases, the judge, within one week after the dismission of the suit or complaint, is to certify to the Sudder Dewanny Adawlut under his hand and the seal of the court, that the suit or complaint has been dismissed, and the grounds of the dismission.

* This section is repealed by Section 2, Regulation II. 1801.

Second*.

Cases in which the Sudder Dewanny Adawlut may receive petitions respecting suits or matters depending, or which may have been decided, in any zillah *or city court.*

Court how to proceed with such petitions.

Second*. *The Sudder Dewanny Adawlut is vested with authority to receive any petitions respecting suits or matters that may be depending, or have been decided, in any* zillah *or city court, and provided it shall be proved to their satisfaction that the petition was presented to the judge of such court, and that he refused or omitted to receive it, or to comply with the prayer of it, and the prayer shall appear to the court just and reasonable, and consistent with the regulations, and they shall be of opinion that it was the duty of the judge to have complied with it, and that the complainant applied to the provincial court of appeal of the division, and that such court omitted or refused to grant the precept specified in Section 8, Regulation V.* 1793, *the court are empowered to issue a precept under the seal of the court, and attested by the register, commanding the judge to receive the petition, and to proceed respecting it in whatever manner they may think it proper to direct, and return by a limited period what he has done in consequence of such command.*

Cases in which the Sudder Dewanny Adawlut is empowered to refer appeals to the provincial courts to be tried and determined.

Appeal to be dismissed, if the appellant shall omit or refuse to proceed in it for six weeks.

Provincial court to notify the dismission of the appeal to the Sudder Dewanny Adawlut.

V. *First.* The Sudder Dewanny Adawlut is empowered to receive any appeal from a decision of a *zillah* or city court which may be cognizable in any provincial court of appeal, and to command such provincial court, by a precept under the seal of the court, and attested by the register, to receive the appeal, and to proceed to hear and determine it, provided proof shall be previously made to their satisfaction, that the provincial court omitted or refused to receive or proceed in it. If the appellant shall refuse or omit to proceed in the appeal, for the period of six weeks after the order of the Sudder Dewanny Adawlut may be received by the provincial court, and notified to him, the provincial court is empowered to dismiss it, notwithstanding the order of the Sudder Dewanny Adawlut. In such cases the provincial court, within one week after the dismission of the appeal, is to certify to the Sudder Dewanny Adawlut under their hands and the seal of the court, that the appeal has been dismissed, and the grounds of the dismission.

Cases in which the Sudder Dewanny Adawlut may receive petitions respecting appeals or matters depending, or which may have been decided, in any provincial court.

Sudder Dewanny Adawlut how to proceed in such cases.

Second†. *The Sudder Dewanny Adawlut is vested with authority to receive any petitions respecting appeals, or matters, that may be depending, or have been decided, in any provincial court of appeal, and provided it shall be proved to their satisfaction that the petition was presented to the provincial court, and that they refused or omitted to receive it, or to comply with the prayer of it, and the prayer shall appear to the court just and reasonable and consistent with the regulations, and they shall be of opinion that it was the duty of the provincial court to have complied with it, the court are empowered to issue a precept under the seal of the court, and attested by the register, commanding the provincial court to receive the petition, and to proceed respecting it in such manner as they may think it proper to direct, and to return by a limited period what has been done in consequence of such command.*

Sudder Dewanny Adawlut not to correspond with parties in suits, or any person, respecting matters before the court, or cognizable by it.

VI. The Sudder Dewanny Adawlut is prohibited corresponding by letter, with parties in suits or process or matters depending before them, or coming within their cognizance. If a party in a suit, or any person amenable to the jurisdiction of the court, shall have any matter to represent to the court, he is either to appear in the court in person, and represent the matter in writing, or to make the representation in writing through an authorized *vakeel.* The court are to pass whatever order upon the representation may appear to them proper consistently with the regulations, and to cause a copy of the order to be delivered to the person making the representation, or to his *vakeel,* under the seal of the court, and attested by the register.

In trying matters in the first instance, and in appeals, the Sudder Dewanny Adawlut to be guided by the rules prescribed to the *zillah* and city courts.

Exception to the rule.

VII. In matters which the Sudder Dewanny Adawlut may be empowered by any regulation to try in the first instance, and also in appeals that may be preferred to the court from decisions of the provincial courts of appeal, (excepting as to hearing witnesses and receiving evidence,) the court is to proceed in the same manner, and with the like powers and authority, and subject to the same restrictions, limitations, and exceptions, as are prescribed to the *zillah* and city courts.

Sudder Dewanny Adawlut how to proceed, in the event of the judge of a zillah

VIII‡. If any person shall charge the judge of a zillah *or a city court, or of a provincial court of appeal, before the Sudder Dewanny Adawlut, with having been guilty of*

* This clause rescinded by Section 5, Regulation II. 1798.
† This clause rescinded by Section 5, Regulation II. 1798.
‡ This section rescinded by Section 2, Regulation X. 1806.

corruption in opposition to his oath, the court is to receive the charge, provided the complainant shall previously make oath to the truth of it, (or subscribe the required declaration, if he shall be of the description of persons whom the court are empowered to exempt from taking oaths.) and give security in whatever sum the court may judge proper, to appear and prosecute the charge when required. Unless the complainant shall take the oath, or subscribe the abovementioned declaration, and give the required security, the court are not to receive the charge. If the court shall receive any such charge, or upon a charge of corruption against the judge of any zillah *or city court, being transmitted to them by any provincial court of appeal under Section* 10, *Regulation V.* 1793, *the court (according as they may deem proper upon a consideration of the circumstances of the case) may direct the parties to proceed to Calcutta, that the charge may be tried before the Sudder Dewanny Adawlut; or, if the party accused shall be a judge of a* zillah *or a city court, the court may order the charge to be tried by the provincial court of appeal of the division; or, if the party accused shall be a judge of a provincial court, the court may grant a special commission to three or more of the judges of the other provincial courts, to assemble and try the charge; or, in any of the cases mentioned in this section, they may recommend to the Governor General in Council, to order the party accused to be prosecuted in the Supreme Court of Judicature by the law officers of Government, under the provisions made by act of parliament for such cases. If the charge shall be established, the Governor General in Council will either remove such judge from his office, or suspend him from the Honourable Company's service, or pass such other order as may appear to him proper. If the charge shall not be proved, the judge so accused is to be at liberty to sue the accuser for damages in any court of judicature to which he may be amenable. The rules contained in this section, are not to be construed to prevent any individual who may have a charge of corruption to prefer against a judge of any* zillah *or city court, or provincial court of appeal, from prosecuting such charge in the Supreme Court of Judicature in the first instance, under the provisions made by act of parliament for such cases.*

or city court, or a provincial court of appeal, being charged with corruption.

Punishment to which the party accused will be liable, if convicted.

If the charge shall not be proved, the accuser to be liable to be prosecuted for damages.

Rules contained in this section, not meant to debar individuals from prosecuting such judges in the Supreme Court in the first instance, under the act of parliament.

IX. *First.* The Sudder Dewanny Adawlut are empowered to hear and determine appeals in the following cases. From decisions in suits or matters of a civil nature, which may have been passed by the chief and other members of any provincial council, or committee, or any member or members of such council or committee, as a court of appeal, where the decisions shall have been passed on or before the 6th of April, 1781, and the petition of appeal shall have been presented to the Sudder Dewanny Adawlut, or to the president and council, or the Governor General and Council, on or before the 1st of February, 1782. From decisions passed by the late committee of revenue, or the Board of Revenue, between the 6th April, 1781, and the 1st May, 1793, either in suits that may have been tried and decided in the first instrnce by them, or in appeals from decisions of the collectors, or any covenanted civil servant of the Company, entrusted with the collection of the revenue of any district, where a petition of appeal shall have been presented to that Committee or Board, or to the Governor General and Council, or the Governor General in Council, within one month after the decree shall have been passed. Provided, however, that if the appellant in the cases specified in this clause shall have merely filed a petition of appeal, and shall have omitted to proceed in the appeal for six weeks, the court are to dismiss the appeal, unless the appellant shall show good and sufficient cause to their satisfaction for not having proceeded in it.

Cases in which the court may decide upon appeals from decisions of courts or boards having appellate jurisdiction, passed on or before the 6th April 1781, or subsequent to the 6th April 1781, and previous to the 1st May 1793.

Second. The Sudder Dewanny Adawlut is empowered to admit and determine any appeal that may be preferred to them after the periods limited in clause first, provided the person presenting it can show just and reasonable cause to the satisfaction of the court for not having preferred the appeal within the limited periods. But the court is to exercise with caution the power vested in it by this clause, and clause first, of trying or admitting appeals from decisions after the lapse of the time limited for trying or admitting them, lest all property held under such decisions should be deemed insecure from being considered liable to be again contested; and in every case in which they may judge it proper to agree, or to refuse, to try or admit such appeals, they are to record their reasons at large for so doing on their proceedings.

Cases in which the court may receive appeals from such decisions, although not presented within the periods specified in clause first.

Court to exercise the power herein specified with caution.

Reasons for every exercise of the powers herein specified, to be recorded on the proceedings.

Third. The court are empowered to confirm or reverse, in whole or in part, the decrees appeals from which they may try under clause first and second, as also all other decrees from

What decision the court may pass in appeals of any

description which they may be empowered to try.

from which they are or may be authorized to receive appeals, and to make such further order on all such decrees, as justice, equity, and good conscience may require, and award such costs to either party as they may deem reasonable.

From what decrees of the provincial courts of appeal an appeal is to lie to the Sudder Dewanny Adawlut.

X. If any person shall deem himself aggrieved by the decree of a provincial court of appeal that may be passed subsequent to the 1st May, 1793, for land or other real property being *lakheraje* (exempted from the payment of revenue to Government), the annual produce of which shall exceed one hundred sicca rupees; or for any *zemindaree*, independent *talook*, or other landed estate, being *malguzaree* (paying revenue to Government), where the produce shall exceed one thousand sicca rupees per annum, or for any dependant *talook*, the annual produce of which shall be more than one thousand sicca rupees; and in all other cases where the decree shall be for a sum of money, or personal property, or real property not of the descriptions before mentioned, the amount or value of which shall exceed one thousand sicca rupees, such person shall be at liberty to appeal from the decision to the Sudder Dewanny Adawlut, by petition of appeal. The petition is to state (respect being had to the matter decreed) the annual produce of the land, whether *lakheraje* or *malguzaree*, the sum of money, or the value of the property which may be decreed, the name of the person in whose favour the decree may be given, the court in which it may have been passed, when it was made, what was decreed by it, and whether the decree has been executed; and is to assign some cause, special or general, for appealing from the decision. The petition is to be accompanied with an attested copy of the decree of the provincial court of appeal, or by a written declaration signed by the party desirous to appeal, or his *vakeel*, that ten days after the decision was passed, he applied to the court for a copy of the decree, and was denied it. The petition is to be presented to the court in which the decree appealed against may have been passed, or to the Sudder Dewanny Adawlut, within three calendar months after the day on which the decree may be given. But it shall nevertheless be permitted to such person, to prefer his petition of appeal to the Sudder Dewanny Adawlut, after the expiration of the three months; and the court are authorized to admit the appeal, provided the petitioner can show just and reasonable cause to their satisfaction for not having preferred it within the limited period. But whenever the Sudder Dewanny Adawlut may admit or reject an appeal which may be preferred to them after the limited time, they are to enter upon their proceedings their reasons at large for so doing, and in admitting such appeals, they are to observe the caution prescribed in clause second, Section 9, with regard to the trial or admission of the appeals therein alluded to, after the limited period. If the petition of appeal shall be against a decree whereby the right of possession of any *zemindaree*, independent or dependant *talook*, or any land or house, or other real property, shall be decreed, and the party cast shall be in possession of the property at the time the decree may be made, all proceedings are to be immediately suspended, and no execution is to be had, or possession given under the decree, until the appeal shall have been finally determined in the Sudder Dewanny Adawlut, provided such party shall enter into good and sufficient security, in a sum equal to one year's amount of the annual produce of the *zemindaree*, *talook*, or other land or house, or real property, which shall have been decreed, to abide by and perform whatever order may be passed by that court. But if such party shall neglect or refuse to enter into the prescribed security, on or before the court day next after the day on which the appeal may be preferred, the court by which the decision may have been passed is to order the decree to be executed. In all other cases, the provincial court of appeal may order the decree appealed against, to be carried into execution, or direct that sufficient security be given by the party against whom the decree may have been passed, in an amount equal to the sum of money, or value of the thing decreed, for the performance of the decree. If the provincial court shall order the decree to be executed, security is to be taken from the party in whose favour the decree may be passed in a sum of money equal to the amount or value of the thing decreed, for the due performance of such order or decree as may be made in the Sudder Dewanny Adawlut. * *In all cases, however, the party appealing is to give good and sufficient security in such sum as to the provincial court may seem proper, upon a consideration of the amount or value of the property or thing decreed, (provided that the security so to be taken be not in any case for a greater sum than five hundred sicca rupees,) for the payment*

Petition of appeal to be accompanied with a copy of the decree, or a written declaration from the party or his *vakeel*, that he applied for a copy of the decree within ten days, and was denied it.

Period limited for preferring appeals.

Cases in which the Sudder Dewanny Adawlut may admit appeals after the limited time.

Court to record their reasons for admitting or rejecting an appeal after the limited time, and to attend to the caution in clause second, Section 9.

Execution of decrees for real property in possession of the party cast to be suspended, upon his giving the security herein specified.

Such decrees to be executed on the party cast.

In all other cases, the court may either execute the decree appealed against, or take security from the party cast for the performance of it.

If the court shall order the decree to be executed, security is to be taken from the party in whose favour it may be made for the performance of the decree of the Sudder Dewanny Adawlut.

In all cases, however, the appellant is to give the security herein required.

* Rescinded by Section 9, Regulation II. 1796.

of the costs that the Sudder Dewanny Adawlut may award, and for the performance of the decree which it may pass. When the securities hereby required shall have been entered into, the senior judge of the court is immediately to endorse on the petition in his own handwriting, the day of the month and the year in which it may be presented, and sign it with his name, and cause to be written in the margin of the record immediately opposite to the decree of the court, the word "appealed," and the court are to transmit the petition to the Sudder Dewanny Adawlut. The court is at the same time to direct notice to be given to the appellant in writing, that within fifteen days, the proceedings held in the cause appealed will be certified to the Sudder Dewanny Adawlut, and that if he shall not proceed in the appeal within six weeks after it may be filed in that court, the appeal will be dismissed, unless he shall shew reasonable cause to the satisfaction of the court for not having proceeded in it.

When the appellant has entered into the securities required, the senior judge of the court is to make the endorsement herein directed on the petition; and the court is to transmit it to the Sudder Dewanny Adawlut.

Notification to be made to the appellant upon the receipt of the petition of appeal.

XI. The court, within fifteen days after the receipt of the appeal, are to certify under their hands and the seal of the court, to the register of the Sudder Dewanny Adawlut, the record duly made up and authenticated, including the original petition of appeal, and answer of the parties, the original papers and documents received from the *zillah* or city court, the original depositions, (where any may have been taken before the provincial court,) exhibits, and every original paper read in the cause. Previous to transmitting the abovementioned papers to the Sudder Dewanny Adawlut, the provincial court are to cause true and faithful copies of all the originals, authenticated by the *sheristadar*, or head native officer of the court, to be made out and deposited in the court in lieu of the originals. The copies are to be deemed records of the court, and are to be received in evidence in any other court. In cases where any original depositions, or other original proceedings or matter whatsoever, shall have been previously entered in any provincial court, in any book which may likewise contain other proceedings in other distinct causes, or any other matter, so that such original papers cannot be transmitted to the Sudder Dewanny Adawlut without the other proceedings or matters, the court within the time and in the manner before directed, is to certify a true and authentic copy of such original papers, and that the original of each copy transmitted, is so entered in such book. But they are nevertheless to transmit the original petition of appeal, the original answer, or other separate pleadings of the parties, and the original exhibits which shall have been delivered in, or produced by the parties and read in the course of the cause before the court, if they be forthcoming, in the manner before required. In cases where any original paper shall have been mislaid or lost, and a copy of it shall have been entered in any book or proceedings, the copy is to be deemed the original, and the court is to transmit a copy of it to the Sudder Dewanny Adawlut, and in like manner to certify it, and that after due search, the original cannot be found.

Record, including original papers in the cause appealed, to be transmitted to the register to the Sudder Dewanny Adawlut in fifteen days after the receipt of the appeal.

Copies of all the original papers transmitted, attested by the *sheristadar*, to be deposited amongst the records of the court.

Copies to be deemed records, and to be received in evidence.

Copies of original papers to be sent to the Sudder Dewanny Adawlut, where the originals cannot be sent for the reasons herein specified.

Recorded copies of original papers not forthcoming to be deemed the originals, and copies of them to be forwarded and certified as herein required.

XII. If a petition of appeal shall be presented in the first instance to the Sudder Dewanny Adawlut against any decree of a provincial court of appeal, whereby the right of possession of any *zemindaree*, independent or dependant *talook*, or any land or house, or other real property, shall have been decreed, and the party cast shall have been in possession of the property at the time the decree was passed, and no execution shall have taken place, or possession been given under the decree of the provincial court, and provided such party shall have given good and sufficient security to the provincial court, in a sum equal to one year's amount of the annual produce of the *zemindaree*, *talook*, land, or house, or other real property, which may have been so decreed, to abide by and perform whatever order may be passed in the Sudder Dewanny Adawlut, the court is to issue an order to the provincial court the decree of which shall be appealed against, to suspend the execution of it until the appeal shall have been finally determined. And in every case where a petition of appeal shall be preferred in the first instance immediately to the Sudder Dewanny Adawlut, and no security shall have been taken by the provincial court, the Sudder Dewanny Adawlut is not to proceed in the appeal, until the party appealing shall have entered into such security as he would have been required to have given had he preferred his petition of appeal to the provincial court.

Cases in which the Sudder Dewanny Adawlut are empowered to order the provincial courts to suspend the execution of decrees, appeals from which may be presented to them in the first instance.

XIII. All process, both to parties and witnesses, and every rule or order, for the execution of a decree or final order, and every other order whatever, which may issue from the Sudder Dewanny Adawlut, is to be written or printed in the Persian and Bengal languages, in

All process of the Sudder Dewanny Adawlut (with the exceptions herein specified) to be issued

through the provincial courts of appeal.

in Bengal and Orissa; and in the Persian language, and the Hindoostanee language and Nagree character, in Behar; and sealed with the seal of the court, and signed by the register. All such process, rules and orders, which are to be served or executed on any parties, witnesses, or persons, (exclusive of the parties, *vakeels*, or persons, in actual attendance on the court,) are to be directed to the provincial court of the division in which the cause of action shall originally have arisen, or in which the lands may be situated, or the parties may be or reside. Every such process, rule, and order, is to limit a certain time in which it is to be served, executed, and returned to the Sudder Dewanny Adawlut. If any provincial court, to whom any process, rule, or order whatever may be directed, shall wilfully disobey, or neglect to perform the commands contained in it, or make a false return, the judges of the court who may commit such offence, shall be liable to be suspended from their office by the Sudder Dewanny Adawlut. If the Sudder Dewanny Adawlut shall suspend any judge or judges of the provincial court under this section, they are to notify the suspension to the Governor General in Council within ten days after it may take place, together with the cause of it; and certify under the seal of the court, the proceedings, depositions, and exhibits, and all other matters which may be necessary to enable the Governor General in Council to pass a determination upon the suspension, and to transmit to him on his requisition, any further papers and proceedings respecting the cause which he may deem necessary for his information. But the Sudder Dewanny Adawlut is empowered, in cases in which for the sake of expedition, or other purpose, it may judge it expedient so to do, to issue any process to parties or witnesses immediately through the proper *zillah* or city court, instead of directing it in the first instance to the provincial court of appeal. In such cases, the process is to be executed and returned directly to the Sudder Dewanny Adawlut, and the judge to whom it may be directed, is to be subject to the like penalties for making a false return, or other default in the execution of the orders contained in the process, as he would have been liable to, had the process been issued from the provincial court.

Judges of the provincial courts liable to be suspended by the Sudder Dewanny Adawlut, for refusing or omitting to obey, or to conform to, their process or requisitions.

Sudder Dewanny Adawlut to report to the Governor General in Council the suspension of judges under this section within ten days.

Cases in which the court may issue process to parties or witnesses immediately through the *zillah* or city courts.

Process of the Sudder Dewanny Adawlut, how to be served by the provincial courts.

To return the process executed, or reasons why it has not been executed.

Form and manner in which the return is to be made.

XIV. In all cases in which process, either to a party or witness, and all process whatever, and every rule or order, for the execution of any decree or final order, or any order relating to a cause depending in the Sudder Dewanny Adawlut, which may be directed by such court to any provincial court of appeal, the court to which the process may be directed, is to execute the order contained in the process, rule, or order, and return it so executed within the time limited, or return to the Sudder Dewanny Adawlut good and sufficient reason why it has not been served or executed. When any process, rule, decree, or order, for the execution of any decree or final order, or any order whatever, shall be transmitted by the Sudder Dewanny Adawlut to a provincial court of appeal to be served or executed, the return to such process, rule, order, or decree, is to be made by the court, either by endorsement on the process, rule, order, or decree, or to be written on a paper firmly annexed to it; and, if the return be made in the lastmentioned manner, there is to be an endorsement on the process, rule, order, or decree, referring the Sudder Dewanny Adawlut to the return contained in such annexed paper, and the court is to cause a copy of the process, rule, order, or decree, together with the return to it, to be deposited amongst the records of the court. And in all cases in which the Sudder Dewanny Adawlut may transmit any order or process to be served or executed by a provincial court, against a party in a cause, and the party on whom it is to be served or executed is not, after diligent search, to be found, or shall have absconded, or shut himself up in his own or any house or building, or retired to any place, so that the process cannot be served upon him, the court to which the process may be directed is to cause to be fixed up in some conspicuous part of the room in which the court may be held, a writing (in the Persian and Bengal languages, if it be in Bengal or Orissa, and in the Persian language, and the Hindoostanee language and Nagree character, if it be in Behar) containing a copy of the order or process, and a notice that if the party shall not obey the exigence of it within the time limited, the Sudder Dewanny Adawlut will without further notice, process, or order, proceed *ex parte* to hear, try, and determine the cause to which such process or order may relate; and the court is likewise to cause a copy of such writing to be fixed up with all practicable dispatch on the outer door of the house in which the party may have commonly dwelt, or in some conspicuous place in the village in which he may have usually resided, and to return to the Sudder Dewanny Adawlut in the manner before directed how he has executed the process.

Court to cause a copy of the process and return to be deposited amongst the records of the court.

Court how to proceed in case any such process cannot be served upon the party, in consequence of his absconding or otherwise avoiding it.

Court to fix up a writing in the court room, and at the place of residence of the party.

What the writing is to contain.

XV. If a provincial court of appeal to which any process, rule, or order of the Sudder Dewanny Adawlut, may be transmitted for the purpose of being served or executed on any party, shall return that the party has absconded, or shut himself up in in his own or any house or building, or retired to any place, so that the process could not be served upon him; or that he was not after diligent search to be found, and that they had caused the writing to be fixed up, in the places and manner directed; and the party shall not appear and obey the exigence of the process, rule, or order; the Sudder Dewanny Adawlut is to proceed *ex parte* to try and determine the cause in which the process, rule, or order shall have issued, in the same manner as if the party had appeared, and obeyed the exigence of the process.

Sudder Dewanny Adawlut to proceed *ex parte*, when the provincial courts shall report that a party has absconded, or was not to be found after the observance of the forms herein directed.

XVI. The Sudder Dewanny Adawlut is empowered in cases of appeal, in which it shall appear to them that the original suit has not been sufficiently investigated in the provincial court of appeal, or for any other cause that may be deemed reasonable by the court, either to receive such further evidence as they may think necessary for the just determination of the suit, and to give judgment upon it; or, to refer the suit back to the provincial court in which it originated, accompanied by such special directions to the provincial court with regard to the new evidence they are to receive respecting it, as may be deemed by the court most conducive to justice, and the convenience of the parties and witnesses. But in every case in which the Sudder Dewanny Adawlut may exercise the power above vested in them by this section, they are to enter upon the record of the trial their reasons for having exercised it. In cases in which the court may judge it proper to receive such further evidence themselves, they are empowered, according as may deem most conducive to justice, (respect being had to the nature of the cause and the evidence,) either to examine the witnesses to be produced *vivâ voce*, in open court, first causing the witnesses to be sworn, and their depositions to be reduced into writing, and signed by the deponents respectively; or, to authorize their register to swear the witnesses and take their depositions, and to cause the deponents to sign them, and to authenticate them with their signatures. The register in such case is to examine the witnesses in the presence of both parties, or their *vakeels*, who are to be at liberty to put any questions to the witnesses that they may think proper; and the questions, with the answers to them, are in the same manner to be reduced into writing, signed, and authenticated. But if due notice be given to the parties or their *vakeels*, of the examination of any witness or witnesses before the register, and he or they shall not attend at the time of the examination, the register is to proceed in the examination as before directed, and the depositions are to be received as good and authentic evidence.

Cases in which the Sudder Dewanny Adawlut is empowered to take new evidence in appeals, or to refer them back for further evidence to the provincial courts.

Sudder Dewanny Adawlut to state their reasons on the record of the trial, whenever they may exercise the powers above vested in them.

Courts empowered to hear the evidence in the cases above specified *vivâ voce*, or to order their register to take it.

XVII. The Sudder Dewanny Adawlut may dispense with the oaths of the descriptions of witnesses which the *zillah* and city courts are authorized to exempt from taking oaths, on their signing in open court the declarations that are required to be subscribed by such witnesses in the *zillah* and city courts. Where witnesses may be women of the description specified in Section 6, Regulation IV. 1793, or shall reside out of the jurisdiction of the court, and at a distance from it exceeding fifty *coss*, the court may grant such commissions as the *zillah* and city courts are authorized to grant for the examination of such witnesses upon similar occasions. And the Sudder Dewanny Adawlut may issue such commissions to creditable women, and send such letters to the provincial courts for the examination of witnesses, in the cases in which the judges of the *zillah* and city courts are authorized to send such commissions and letters.

Cases in which the Sudder Dewanny Adawlut may dispense with the oaths of witnesses,

or direct their evidence to be taken by commission.

XVIII. If a witness duly summoned shall not attend, or attending shall refuse to be sworn or give evidence, or to subscribe his deposition, or if such witness, or any person shall be guilty of wilful or corrupt perjury in a cause depending in the court, or any contempt of court in open court, the Sudder Dewanny Adawlut are to proceed with such witness or person in the same manner as the provincial courts are authorized to deal with witnesses or persons in like manner offending.

Sudder Dewanny Adawlut how to proceed where witnesses do not attend, or refuse to be sworn or to give evidence, or sign their depositions, or any persons are guilty of contempt of court, or perjury.

XIX. If the appellant, in an appeal filed in the Sudder Dewanny Adawlut, shall not proceed in the appeal for six weeks, the appeal is to be dismissed, unless the appellant shall show reasonable cause to the satisfaction of the court, for not proceeding in it; and the court may, if they shall deem it equitable so to do, award to the respondent costs of suit. But in all such cases, the court are to enter at large upon their proceedings, the grounds upon which they may permit or refuse to allow the appellant to proceed.

Court to dismiss appeals if the appellants omit to proceed in them within six weeks, without shewing sufficient cause for the omission. Reasons for the dismission of the appeal to be recorded.

No persons to be heard *vivâ voce* in any stage of a cause, excepting principals, their witnesses, or *vakeels* duly empowered.

XX. In such suits as by any regulation may be authorized to be tried in the first instance before the Sudder Dewanny Adawlut, and in appeals that may be heard by that court, no proceedings are to be held, nor any acts whatever done, either on behalf of the plaintiff or defendant, or the appellant or respondent, excepting by the plaintiff or defendant, the appellant or respondent respectively, or by a *vakeel* admitted to plead in the court under Regulation VII. 1793; nor by any *vakeel*, before his *vakalutmah* shall have been filed in the court; and no persons, excepting such parties, or their witnesses, or such *vakeels*, shall be heard, *vivâ voce*, in any stage in the cause.

Sudder Dewanny Adawlut empowered to order the provincial courts to enforce decrees for sums of money against proprietors of land, by the same process as those courts may enforce such decrees passed by themselves.

Petitions of appeal from decisions founded on awards of arbitration to be dismissed with costs.

Exception to the rule.

XXI. The Sudder Dewanny Adawlut is empowered, in every case in which a sum of money is decreed to be paid by a *zemindar*, independent *talookdar*, or other actual proprietor of land, to issue an order to the proper provincial court, to execute the decree, in the same manner as the provincial courts are authorized to execute decrees by which a sum of money my be decreed to be paid by any of the descriptions of persons above mentioned.

XXII. If a petition of appeal shall be preferred against the decision of any provincial court of appeal founded on an award of arbitration, it is to be dismissed with costs, unless it be fully proved to the satisfaction of the court by the oaths of two creditable witnesses, that the arbitrators have been guilty of gross corruption or partiality in the cause in which they have made the award.

Court empowered to authorize the provincial, *zillah*, and city courts, to make occasional adjournments.

XXIII. The Sudder Dewanny Adawlut is empowered to permit the judges of the provincial courts of appeal, and the *zillah* and city courts, to adjourn their respective courts occassionally for any period not exceeding one month, so that such adjournments collectively do not exceed two months in each year.

Sudder Dewanny Adawlut how to proceed against *zemindars*, independent *talookdars*, or other actual proprietors of land, or dependant *talookdars*, who may resist their process.

Offender to be summoned to answer for his conduct.

Court how to proceed, if the offender shall not obey the summons.

Decree to be passed if the offender shall not appear, or shall appear, and be proved guilty of the charge.

XXIV. If a *zemindar*, independent *talookdar*, or other actual proprietor of land, or a dependant *talookdar*, shall resist or cause to be resisted, any process, rule, order, or decree, which may at any time issue from the Sudder Dewanny Adawlut, the court, on proof of the resistance being made by oath to their satisfaction, are to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding, or otherwise acting as above specfied, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed time, or if he shall appear, and after receiving his answer to the charge, and hearing the evidence which he may produce in his defence, it shall be proved to the satisfaction of the court, that he is guilty of the charge, the court are to decree that the offender shall from the date of their decree, forfeit his *zemindaree*, *talook*, or other estate, in which such resistance shall have been made, or, if the resistance shall have been made out of the limits of the estate of the offender, the *zemindaree*, *talook*, or other landed property, which he may possess within the jurisdiction of the *zillah* court to which the execution of the process resisted may have been committed. The court is immediately to forward a copy of their decree and proceedings to the Governor General in Council. It shall be at the option of the Governor General in Council, within four weeks after the receipt of a decree adjudging the lands of any person forfeited under this section, either to order it to be executed, or to commute the forfeiture for such fine, as, upon a consideration of the situation and circumstances in life of the offender, he may think adequate to the offence for which the decree may be passed. In the event of the Governor General in Council commuting the forfeiture for a fine, the court, upon receiving notice of the fine that he may impose, are to levy the amount of it by the same process by which they are directed to enforce their decrees. But if the Governor General in Council shall not within four weeks after the decree shall have been received by him, either order it to be executed, or commute the forfeiture for a fine, the decree is to stand good against the offender. In such case, or in the event of the Governor General in Council ordering the decree to be executed, the court is to issue a precept, under the seal of the court and the signature of the register, requiring the collector of the revenue of the *zillah* to depute an *ameen*, with a proper establishment of officers, (whose allowances are to be specified in the precept,) to sequester the lands, and collect the rents and revenues. If the lands of the defaulter shall be deemed by the court too inconsiderable to admit of their being charged with the expence of an *ameen*, they are to direct a precept to be issued to the collector of the

A copy of the decree to be sent to the Governor General in Council.

If the lands are decreed forfeited, the Governor General in Council may confirm the decree, or commute the forfeiture for a fine within four weeks after he may receive the decree.

If the forfeiture is commuted for a fine, how the amount is to be levied.

Decree of forfeiture to be final, if the Governor General in Council shall not order it to be executed, or commute it for a fine within four weeks.

If the decree is declared, or becomes final, the court is to issue process to the collector to sequester the lands.

zillah, to order the nearest *tehsildar*, or other officer employed under him in the business of the collections, to take charge of the lands. The officer is to perform the duties prescribed to *ameens* in such cases, and under the same restrictions and penalties.

If the forfeiture should stand confirmed, the Governor General in Council may confer the estate on the heirs of the offender, or dispose of it at public sale.

XXV. If the decree adjudging the lands of the offender forfeited shall be confirmed, or stand good under Section 24, it shall be at the option of the Governor General in Council either to confer the rights which the offender possessed in the lands on his heirs, upon their agreeing to make good all sums whatever that may be due to Government from the offender on account of the lands forfeited, and to pay the fixed public revenue assessed upon them, or, if it be a dependant *talook*, the revenue payable from it to the proprietor within whose estate it may be situated; or, to order the lands to be disposed of at public sale under the rules prescribed for the sale of lands so forfeited in Regulation XLV. 1793.

Sudder Dewanny Adawlut how to proceed against persons holding farms of Government, who may resist their process.

Offender to be summoned to answer for his conduct.

Court how to proceed if the offender shall not obey the summons.

Decree to be passed by the court, if the offender shall not appear, or shall appear and be proved guilty of the charge.

A copy of the decree to be sent to the Governor General in Council.

Option reserved to the Governor General in Council to confirm the decree, or commute it for a fine, and to compel the farmer to perform the conditions of his lease.

How such fines are to be levied.

If the lease of the offender should be annulled, how balances due from him are to be recovered.

Farmers whose leases may be cancelled how to recover balances.

XXVI. If a farmer of land holding a farm immediately of Government, shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from the Sudder Dewanny Adawlut, the court, on proof of the resistance being made by oath to their satisfaction, are to cause the offender to be summoned to answer to the charge. If the offender shall abscond, or shut himself up in his own or any house or building, or retire to any place, so that he cannot be served with the summons, the court is to proceed against him in the manner directed with regard to other persons absconding, or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed period, or if he shall appear within the limited time, and after receiving his answer to the charge, and hearing the evidence which he may have to produce in his defence, it shall be proved to the satisfaction of the court, that he is guilty of the charge, the court is to decree the lease cancelled from the expiration of the Bengal, Fussily, or Willaity year, (according as the farm may be situated in Bengal, Behar, or Orissa,) in which the decree may be passed. The Sudder Dewanny Adawlut is immediately to forward a copy of the decree and proceedings to the Governor General in Council. It shall be at the option of the Governor General in Council, within four weeks after the receipt of a decree adjudging the lease of a farmer annulled under this section, either to order the decree to be executed, or to commute the forfeiture of the lease for such fine, as, upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed; or, if the offender shall not be desirous of being continued in his farm, to fine him as above prescribed, and compel him to retain the farm during the remainder of the lease, and to hold him and his surety responsible for the discharge of their engagements until the term of them shall expire. If a fine shall be imposed upon the offender, the court, upon receiving notice of the fine, is to levy the amount of it by the same process as is prescribed for enforcing decrees of the court. But if the Governor General in Council shall not within four weeks after the decree shall have been received by him, either order it to be executed, or commute the forfeiture of the lease for a fine, the decree is to stand good against the offender, and the court is without delay to cause a copy of the decree to be sent to the collector. If the lease of the offender shall be annulled, and a balance should be due from him to Government at the close of the year in which the lease may be cancelled, both he and his surety are to be held responsible for the payment of it, and the collector of the revenue of the *zillah* is empowered to proceed against them for the recovery of it, in the manner prescribed in Section 20, Regulation XIV. 1793, for the recovery of balances due from farmers whose leases may be declared annulled under that regulation. The offender is permitted to prosecute in the *dewanny adawlut* of the *zillah* in which the farm may be situated, the dependant *talookdars*, under-farmers, and *ryots* in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

Court how to proceed against persons resisting process who are not proprietors of land, *talookdars*, or farmers.

Offender to be summoned to answer for his conduct.

Court how to proceed, if the offender shall not obey the summons.

XXVII. If any person, not being a *zemindar*, independent *talookdar*, or other actual proprietor of land, or a dependant *talookdar*, or a farmer of land, holding a farm immediately of Government, shall resist, or cause to be resisted, any process, rule, order, or decree, which may at any time issue from the Sudder Dewanny Adawlut, the court, on proof of the resistance being made by oath to its satisfaction, is to cause the offender to be summoned to answer to the charge. If the person for whom the summons may be issued shall abscond, or shut himself up in his own, or any house or building, or retire to any place, so that he cannot be served with the summons, the court is to proceed against him in the manner directed

with regard to other persons absconding, or otherwise acting as above specified, so that they cannot be served with the process of the court. If the offender shall not appear within the prescribed period, or, if he shall appear within the limited time, and after receiving his answer, and hearing the evidence which he may have to produce in his defence, it shall be proved to the satisfaction of the court, that he is guilty of the charge, the court is to adjudge the offender to pay such fine to Government as may appear to it proper, upon a consideration of his situation and circumstances in life, and the offence for which the decree may be passed. The court is to proceed to levy the amount by the same process by which it is empowered to carry its decrees for sums of money into execution.

How the court is to enforce payment of the fine.

Proceedings of the Sudder Dewanny Adawlut how to be numbered, marked, dated, and signed.

Decrees to be signed by the judges, and attested by the register, and copies to be delivered to the parties.

XXVIII. The petition of appeal, pleadings, depositions, and exhibits in the Sudder Dewanny Adawlut, are to be numbered, marked, dated, and signed by the register, in the same manner as the complaint, pleadings, depositions, and exhibits, are ordered to be numbered, marked, dated, and signed by the register in the *zillah* and city courts. The decrees are to be signed by the judges present in the court when the decrees may be passed, and attested by the register, and copies so signed and attested are to be delivered to the parties.

Decrees of the Sudder Dewanny Adawlut are to be final.

XXIX. The decrees of the Sudder Dewanny Adawlut are to be final in all suits whatever.

Provincial courts to furnish translates of papers in the country languages which they may transmit to the Sudder Dewanny Adawlut.

XXX. The provincial courts are to furnish the Sudder Dewanny Adawlut with translates of all papers written in the country languages which they may transmit to the court, whether relating to causes appealed, or other matters.*

Court how to act in cases for which no rule may exist.

XXXI. In cases for which no specific rules may exist, the Sudder Dewanny Adawlut is to act according to justice, equity, and good conscience.

* This section is repealed by Section 18, Regulation II. 1801.

BENGAL SECRETARIAT LIBRARY

A. D. 1793. REGULATION VII*.

A REGULATION *for the Appointment of Vakeels or native Pleaders, in the Courts of civil Judicature in the Provinces of Bengal, Behar, and Orissa.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

IN *the courts of civil judicature in the British territories in Bengal, the parties in suits have hitherto had the option of pleading their causes in person, or appointing such* vakeels *or agents for that purpose as they have thought proper. The generality of these* vakeels *have been either private servants or dependants of the parties deputed to plead the particular cause in which their employers were engaged; or men who followed the business of a* vakeel *to obtain a livelihood, and appeared in the courts of justice, or wherever the concerns of their constituents required their attendance. The* vakeels *of the first description were for the most part necessarily unacquainted with the constitution and forms of the courts. They were consequently exposed to the intrigues of the ministerial officers, who not only harassed and extorted money from them, by an abuse of authority in the execution of the common process of the courts, but often impressed them with an idea that it was in their power to influence the decision of the judges, and converted the deception to their private advantage. These* vakeels *being unaccustomed to judicial proceedings, protracted the trials by producing unnecessary exhibits, stating irrelevant questions to the witnesses, and summoning persons to give evidence, whose testimony was unessential to the developement of the merits of the case. The very slight knowledge which they in general possessed of the Mahomedan or Hindoo law, and their still more limited acquaintance with the regulations passed by the British Government, (upon which the security of the persons and property of the inhabitants of these provinces chiefly depends,) rendered them incapable of urging the best arguments in support of the claims of their constituents, or of judging whether the decisions and proceedings of the courts were conformable to the laws and regulations, or otherwise. The* vakeels *of the second description, although better acquainted with the practice of the courts than the first, were equally unfit for their situations. They assumed and relinquished the occupation, without apprising the courts in which they acted. When they appeared in the capacity of* vakeels, *no enquiries were made to ascertain whether they were qualified for the employment; nor were there any rules prescribed as a security to their constituents for the diligent and faithful performance of their trusts. Equally with the first description of* vakeels, *they were little versed in the laws and regulations of the country, and not having the protection of a public character, and their situations in the court not being defined by any regulations of Government, they were subject in the same degree to the intrigues and assumed influence of the ministerial officers of the courts, and unable to protect their employers from oppression and exaction. On the other hand, the allowances of these* vakeels *not being fixed by any public regulations, and as they were generally entertained upon a fixed salary, their demands were frequently exorbitant, and when engaged, it became their interest to protract, instead of expedite the decision of the suit, as their salary ceased with the termination of it. Pleaders of the above descriptions not only rendered a speedy and impartial administration of the law impracti-*

* This entire regulation is rescinded by Section 2, Regulation XXVII. 1814.

cable,

cable, but were at all times liable to be made the cloaks to intrigue and injustice. To establish security of property, and protect individuals in the enjoyment of the privileges and immunities which have been granted to them, many regulations must necessarily be enacted. The great body of the people, although they will feel the benefit of their operation, must necessarily be precluded by their pursuits and occupations in life from attending the courts of justice, or acquiring a sufficient knowledge of the laws and regulations, to qualify them for pleading their own causes. It is therefore indispensably necessary for enabling the courts duly to administer, and the suitors to obtain justice, that the pleading of causes should be made a distinct profession; and that no persons should be admitted to plead in the courts but men of character and education versed in the Mahomedan or Hindoo law, and in the regulations passed by the British Government; and that they should be subjected to rules and restrictions calculated to secure to their clients a diligent and faithful discharge of their trusts. Pleaders of this description will urge the best arguments for and against every claim; and it is essential to the due administration of justice, that such arguments should be offered to the judges. Their judgment cannot then often err, and when it does, the error will be invariably pointed out to the higher courts. The pleaders therefore, on either side, whilst they will bring the merits of every case to light, and collect into one point of view the information necessary to enable the courts to form their opinion upon it, will be a check upon them by exposing every deviation from the law in their judgments. As individuals will in general commit the management of their suits to the pleaders who may be best qualified to plead them, the parties in suits should have the option of employing such of the pleaders as they may think proper; and as an additional security for the zeal and fidelity of the pleaders, the parties ought to have the power of withdrawing the management of their causes from the pleaders whom they may entertain, whenever they may be dissatisfied with their conduct. The advantages of the pleaders will then be proportionate to their zeal, abilities, and integrity, at the same time that their exertions to acquire reputation and emolument will necessarily conduce to the improvement of the judicial system. That the pleaders may not be deterred from pleading the causes of their clients with becoming freedom, and that men of education and respectable character may be solicitous to be admitted as pleaders in the courts, their appointments ought to be secured to them as long as they conform to the regulations under which they act; and they should not be removable until they have been proved guilty of a breach of those regulations to the satisfaction of the Sudder Dewanny Adawlut. By the erection of tribunals constituted upon the principles of the courts of justice established under the regulations passed on this date, and confining the pleading of suits to persons possessing the qualifications and acting under the rules and restrictions hereafter enacted, individuals will be satisfied that personal solicitation and intrigue (the necessary result of a want of courts constituted upon such principles as to enable persons of every description to procure a speedy and impartial administration of the law) is not requisite either to obtain their own rights, or to defend themselves from oppression, or the unjust claims of others. They will feel that they have an impartial and all powerful protector in the laws, and that, through the means of the public pleaders, they can at all times command the exercise of the judicial powers of Government lodged in the courts, for the redress of any injuries which they may sustain either in their persons or property.

Sudder Dewanny Adawlut empowered to appoint a sufficient number of pleaders to plead the causes in the civil courts of judicature.

II The Sudder Dewanny Adawlut is empowered to appoint from time to time, such a number of pleaders of the Mahomedan or Hindoo persuasion, as may appear to them necessary to plead the causes of the parties in suits in the Sudder Dewanny Adawlut, the provincial courts of appeal, and the courts of dewanny adawlut *in the several* zillahs, *and the cities of Patna, Dacca, and Moorshedabad.*

Sunnud to be granted to pleaders.

III. The Sudder Dewanny Adawlut is to cause a writing under the seal of the court, and attested by the register, to be delivered to each of the persons whom they may admit as pleaders in the several courts, specifying the name of the pleader, the date of his appointment, and the court in which he may be admitted, and empowering him to plead in it under the rules contained in this regulation, or such other regulations as the Governor General in Council may hereafter enact.

IV. Every pleader, previous to his being allowed to practise, is to take and subscribe the following oath before the court in which he may be admitted. "I A. B. solemnly swear, that I will truly and faithfully execute the duties of pleader of the Sudder Dewanny Adawlut (or the provincial court of appeal for the division of ——— ———, or the dewanny adawlut *of the* zillah *or city of* ———,*) to the best of my knowledge and judgment." And every six months, that is, on the 1st of January and the 1st of July in each year, the Mahomedan pleaders of the several courts are to take and subscribe the following oath, before the court in which they may respectively practise. "I A. B. solemnly swear, that from the 1st January to the 30th June last, (or from the 1st July to the 31st December last,) I have truly and faithfully executed the duties of pleader in the Sudder Dewanny Adawlut (or the provincial court of appeal for the division of* ———, *or the* dewanny adawlut *of the* zillah *or city of* ———,*) to the best of my knowledge and judgment.*

Oath to be taken by pleaders upon their first admission.

Half yearly oath to be taken by the Mahomedan pleaders.

V. The pleaders are to be selected from amongst the students in the Mahomedan college at Calcutta, and the Hindoo college at Benares, who may be qualified, and be desirous of being admitted to plead in any of the courts. If the colleges shall not furnish a sufficient number of pleaders, the Sudder Dewanny Adawlut is to admit any other persons, provided they be Mahomedans or Hindoos, previously however ascertaining that they are men of good character and liberal education, and giving a preference in all cases to persons of this description who have been bred to the study of the Hindoo or Mahomedan law.

What descriptions of persons are to be selected for pleaders.

VI. That the pleaders in the several courts, as well as all other persons, may have it in their power to render themselves acquainted with the regulations enacted by the British Government, there shall be kept for public inspection in the several courts of judicature in Bengal, Behar, and Orissa, printed copies of all such regulations, with translates in the Persian and Bengal languages, bound up with an index as directed in Section 11, Regulation XLI. 1793. Until the regulations that may be passed in each year are so bound up, the separate copies of each regulation, with the translates, as they may be printed and circulated to the courts, are to be exposed as above directed. The regulations are to be deposited upon a table, to be expressly allotted for that purpose in some part of the court-room, and to lie for public inspection every day, Sunday excepted, from the hour of nine in the morning until three in the afternoon; and during that time, the pleaders of the courts, and all other persons, are to be at liberty to refer to the regulations, or take copies or extracts from them in the court-room.

A copy of all regulations, with the translates, to lie for public inspection in the courts.

VII. Upon a pleader agreeing to undertake the prosecution or defence of a suit, the party entertaining him is to present him with four annas as a retainer, which is to preclude him from being employed in the same cause against the person so retaining him. The pleader, immediately upon receiving the retainer, is to give a written acknowledgment for it, specifying the date on which it may be delivered to him. If any pleader shall receive such retaining fee, and afterwards refuse or omit to carry on the suit of his client, he shall be dismissed from his office. The retainer is to be exclusive of the fees specified in Section 9.

Four annas to be presented to a pleader as a retainer.

Pleaders receiving a retainer, and not carrying on the suit, to be dismissed.

VIII. When a party in a cause shall have retained a pleader, and taken his receipt for the retainer, he is to execute to him a vakalutnamah, *constituting him pleader in the cause, and authorizing him to prosecute or defend the plaint or appeal, (according as the party may be plaintiff or appellant, defendant or respondent,) and binding himself to abide by and confirm all acts which such pleader may do or undertake in his behalf in the cause, in the same manner as if he had been personally present and consenting. The party is to sign the instrument with his name, or put his mark to it, (if he shall be unable to write his name,) and (if he shall have a seal) affix his seal to it, in the presence of two credible witnesses, who are likewise to attest it in the same manner.*

Parties to execute a vakalutnamah *to their pleaders, vesting them with the powers herein mentioned.*

How to be signed, sealed, and attested.

IX. The pleaders of plaintiffs and defendants in the zillah *or city courts, and of appellants and respondents in the provincial courts of appeal, and the Sudder Dewanny Adawlut, are to be allowed as fees for pleading the causes of their clients, the following per centage on the sum of money, or the value of any personal property, which may constitute the subject of the suit.*

Fees to be allowed to pleaders in the zillah *and city courts, the provincial courts of appeal, and the Sudder Dewanny Adawlut.*

On suits for money or personal property.

		SICCA RUPEES.	
On sums not exceeding	One Thousand	Five	per Cent.
	Five Thousand	Four	
	Ten Thousand	Three	
	Twenty-five Thousand	Two	
	Fifty Thousand	One	
	One Lack	Three-quarters	
On sums above	A Lack	One half	

On suits for land subject to the payment of public revenue, and on land exempt from the payment of public revenue; and on tanks, gardens, or other real property not being land of the two descriptions above mentioned.

To whom the fees of the pleaders and other costs of suit are to be ultimately charged.

The pleaders are to receive the above fees on the amount of the annual jumma *payable to Government, if the suit be for land subject to the payment of public revenue; and if it be for land held exempt from the payment of public revenue, on the amount of the annual produce. If the suit shall be for a house, tank, garden, or other real property, not being land of the two descriptions above mentioned, the pleaders are to receive as fees, the above per centage on the estimated value of it. If the decree shall be given against the defendant or respondent, and the whole of the money or property which may be demanded by the plaintiff or appellant, shall be decreed to him, a sum equal to the whole of the fees of his pleader, shall be adjudged to the plaintiff or appellant, in addition to the costs which may be awarded to him. But if only a part of the money or property claimed, is decreed to the plaintiff or appellant, a sum bearing the same proportion to the annual produce, if that part be land held exempt from the payment of public revenue, or to the annual public revenue, if that part be land subject to the payment of revenue to Government, or, if that part be money or some specific thing, to the money or value of the thing decreed as the fee did to the demand laid in the complaint or appeal, is to be decreed and added to the costs which may be awarded to the plaintiff or appellant; and the sum so added is to be recovered from the defendant or respondent, together with the fees of his own pleader, in the same manner as all other sums which may be decreed are ordered to be recovered. If the suit of the plaintiff or appellant shall be dismissed, whether upon an investigation of the merits of it, or otherwise, and a decree shall be accordingly given against him, he is to pay his own costs, and the fees of his pleader, and the fees of the pleader of the defendant or respondent, and such costs as the court may think proper to award to him; and the court is to levy the sum which may be so adjudged to be paid by the plaintiff or appellant, in the same manner as all other sums decreed by the court are ordered to be recovered.*

Courts enjoined to insert in their decrees all costs and expences paid or payable by the parties.

The judges of the zillah *courts, the provincial courts of appeal, and the Sudder Dewanny Adawlut, are enjoined to make it an invariable rule, to insert in their decrees all sums paid or payable by the parties on account of the costs or expences of the suit, whether for fees to pleaders, compensations to witnesses, subsistence money to* peons *deputed to serve summonses, or other account; and the parties are not to be liable to the payment of any costs or expences, excepting such as may be inserted in the decree. But no suit whatever shall be received in any* zillah *or city court, nor in any provincial court of appeal, nor in the Sudder Dewanny Adawlut, until the complainant or appellant shall have given good security for the payment of the fees of the pleaders whom he may employ. Upon his giving such security, the suit is to be received, and process is to be issued against the defendant, or respondent, who is likewise to be required to give security for the payment of the fees of the pleader whom he may entertain, in addition to any other security which may be required from him for the performance of the decrees or orders of the court.*

Fees of pleaders not payable until a decision in the cause is passed.

X. The fees of the pleaders are to be payable upon a decision being passed in the cause, whether upon an investigation of its merits, or otherwise, and not before. The fees are then to be forthwith levied by the court from the parties by whom the decision may declare them payable, nor shall the execution of the part of the decision of the zillah *courts, or the provincial courts of appeal, which may relate to the payment of the fees of the pleaders, be stayed or postponed, in consequence of an appeal being preferred from the decision, or on any other account whatsoever.*

If a pleader shall be removed from his office, or die, or resign, before the decision of a cause, to whom the fees are to be paid.

And if a pleader shall be removed from his office, or die, or resign, previous to the decision of any causes depending in which he may have been entertained, neither he nor his heirs are to be entitled to any fees on account of such causes, but they are to be paid to the persons who may act as pleaders for the parties when the causes may be brought to a decision.

XI. If a party in a suit in any of the courts of justice, shall be desirous of committing the pleading of his cause to two pleaders, and any two of the pleaders shall agree to undertake the suit, and to divide the authorized fees between them in an equal or any other proportion, it shall be permitted to the party to pay, and the pleaders to receive such fees, and the proportions in which the fees are to be divided between the pleaders, are to be specified in the vakalutnamah.

Parties at liberty to entertain two pleaders, and the fees to be divided between them, if any two pleaders shall consent to undertake the cause.

XII. If a party in a suit in any of the courts of justice shall be desirous of entertaining two pleaders, and shall of his own accord agree to pay to each of the pleaders the full fees allowed to pleaders by this regulation, it is permitted to the party to pay, and the pleaders to receive, such fees. But the opposite party in the cause, supposing him to be cast, shall only pay the fees of one pleader, or such part of them as the court may adjudge. The fees of the other pleader are to be considered as a separate expence, defrayable by the party entertaining him, for which he is not to be reimbursed in any case whatever.

Parties at liberty to entertain two pleaders, and to agree to pay them both the full fees

But the opposite party, if cast, not to be charged with any part of the fees of the extra pleader.

XIII. If a suit shall be withdrawn before the plaint, or the petition of appeal, the answer, reply, and rejoinder, shall have been filed in court, the pleaders of the plaintiff and defendant, or the appellant and respondent, shall each be entitled to only half of the established fees. If a suit shall be withdrawn at any time after the plaint or the petition of appeal, the answer, reply, and rejoinder shall have been filed in court, the pleaders are to be entitled to the full fees, in the same manner as if judgment had been given in the cause. The fees in both of the abovementioned cases, are to be paid by the plaintiff or appellant withdrawing the suit, together with all the admitted costs incurred by the defendant or respondent, in consequence of the preferring the suit or appeal. If either party shall have employed two pleaders under the option given them in Section 11, *each pleader is to receive one half of what he would have received, had the suit been brought to trial. Should either party have entertained two pleaders under Section* 12, *the extra pleader is to receive only one half of the fees to which he would have been entitled had the cause been brought to a decision.*

Pleaders to receive only half of the established fees, in the event of a suit being withdrawn before the plaint, or appeal, answer, reply, and rejoinder, shall have been filed in court.

Pleaders to receive full fees, if the suit shall be withdrawn after the abovementioned papers have been filed.

XIV. The pleaders in the several courts, are permitted to demand and receive a fee of four annas for every petition which they may present, or motion that they may make in writing, to the court, provided that the motion or petition shall not relate to any suit depending before the court, wherein the person on whose behalf they may present such petition, or make such motion, may be a party. The fee above allowed shall be payable upon the court passing an order upon the petition or motion, and not before. But all petitions and motions presented or made in any of the courts, on behalf of parties in a suit in which the fees in Section 9. *may have been paid or may be payable, from the filing of the suit until a final decision upon it is passed, whether in the court in which it may be first instituted, or in appeal, and until that decision is enforced, are to be considered as paid for by the fee allowed to the pleaders in the abovementioned section; and the pleaders in the several courts are required to make all such motions, and do all such acts as their clients may require relating to any suit in which they may have received fees, after a decision shall have been passed, and until the suit shall be settled, and the final judgment be enforced.*

Pleaders allowed a fee of four annas for every petition or motion they may present, or make to the court, in the cases herein specified.

XV. Pleaders are to give written receipts for all accounts, writings, or documents, that may be delivered to them by their clients in the course of any process or suit. If a pleader shall refuse to return such accounts, documents, or writings, although some of them should concern him principally, the court, upon a petition being presented to them for that purpose by the owner of the papers withheld, is to cause them to be restored.

Pleaders to give receipts for all papers that may be entrusted to them by their clients.

XVI. If a pleader shall be guilty of disrespect to the court in open court, the court is empowered to impose a fine upon him not exceeding one hundred rupees, and to levy the amount by deducting it out of the fees that may become due to the offender, or by the process which is prescribed for enforcing decrees of the court.

Pleaders guilty of disrespect to the court liable to be fined.

Fine how to be levied.

XVII. Pleaders convicted of promoting and encouraging litigious suits, or of frauds, or of gross misbehaviour, although not relating to any cause in which they may be concerned, are to be suspended. The court is to report the grounds of the suspension within a

Pleaders convicted of litigiousness, frauds, or gross misbehaviour, to be suspended by the court to which they may be attached.

Court to report the suspension within a month to the Sudder Dewanny Adawlut.

Sudder Dewanny Adawlut to fine such pleader or not, and restore or dismiss him, as they may judge proper.

Pleaders wilfully delaying the suit of their clients, liable to a prosecution, and to dismission by the Sudder Dewanny Adawlut.

a month after it shall have taken place, to the Sudder Dewanny Adawlut, which court is either to fine such pleader or not, and allow him to resume his practice, or dismiss him from his office, according as they may think proper upon a consideration of the circumstances of the case.

XVIII. If a pleader shall wilfully delay the suit of his principal for his own advantage, he is to be liable to be prosecuted by him for damages; and, if he shall be convicted, the judge is to suspend him, and report the circumstances to the Sudder Dewanny Adawlut, which court, provided the charge be proved to their satisfaction, is to dismiss the offender from his office.

Pleaders not to receive any fee or reward whatever not authorized by the regulations,

under pain of being suspended by the court to which they may be attached, and dismissed.

XIX. Pleaders are not to demand or accept from their clients, any fee or sum of money, or any goods, or effects, or valuable consideration, for pleading their causes, besides the fees that they are or may be expressly authorized to demand and receive by this regulation, or such regulations as may be hereafter enacted. If a pleader shall be convicted before the court to which he may be attached, of acting contrary to the prohibition contained in this section, the court is to suspend him from the exercise of his functions, and report the circumstances to the Sudder Dewanny Adawlut, which court, if there shall appear to it sufficient cause for so doing, is to dismiss the offender from his office.

Pleaders of the same court to be allowed to act for each other in the cases, and under the provision, herein specified.

XX. In case of the temporary absence of a pleader from indisposition or other cause, the court may permit any other pleader of the court to act for such absent pleader, in any cause or causes in which he may be engaged, provided the parties by whom such absent pleader may have been entertained shall give their consent, by a writing under their seal and signature, and attested by two credible witnesses, to be filed in court.

Pleaders in one court, not to be allowed to act in another, without the orders of the Sudder Dewanny Adawlut.

XXI. The vakeels *attached to one court, are not to be allowed to plead in any other court, without the sanction of the Sudder Dewanny Adawlut.*

No pleader to be dismissed from his office but for incapacity or misconduct, proved to the satisfaction of the Sudder Dewanny Adawlut.

XXII. No pleader is to be dismissed from his office, but for incapacity or misconduct in the discharge of his public duty, or gross profligacy or misbehaviour in his private conduct, proved to the satisfaction of the Sudder Dewanny Adawlut. In cases in which it shall be proved to the satisfaction of any of the provincial courts of appeal, or the zillah *or city courts, that any pleader attached to their respective courts, is unqualified for his office from incapacity, or that he has committed any act which subjects him to dismission from his office, the court is to suspend such pleader from the exercise of his functions, and to certify all the papers and proceedings relating to the case to the Sudder Dewanny Adawlut, and wait the orders of that court.*

Sudder Dewanny Adawlut to appoint pleaders in the several courts to plead for Government, in suits which may be directed to be carried on at the public expence.

XXIII. The Sudder Dewanny Adawlut is to appoint one, two, or more of the authorized pleaders in the Sudder Dewanny Adawlut, the provincial courts of appeal, and the courts of dewanny adawlut *in the several* zillahs, *and the cities of Patna, Dacca, and Moorshedabad, to prosecute any suits in those courts respectively which may be directed to be carried on at the public expence by any regulation, or by a special order from the Governor General in Council.*

Oath to be taken by pleaders of Government, upon their appointment, and every six months.

XXIV. Every person who may be appointed a pleader for Government in any of the courts of judicature, is to take and subscribe the following oath before the court in which he may be appointed to plead. "I A. B. solemnly swear, that I will execute the duties of pleader for Government in the court of Sudder Dewanny Adawlut, (or the provincial court of appeal for the division of ————, or the dewanny adawlut *of the city or* zillah *of ————,) to the best of my knowledge and judgment." And every six months, viz. on the 1st of January, and the 1st of July in each year, the pleaders for Government who may be Mahomedans, are to take and subscribe the following oath before the court to which they may be respectively attached: "I A. B. solemnly swear, that from the 1st January to the 30th June last, (or from the 1st July to the 31st December last,) I have truly and faithfully executed the duties of pleader for Government in the Sudder Dewanny Adawlut, (or the provincial court of appeal for the division of ————, or the* dewanny adawlut *of the* zillah *or city of ————,) to the best of my knowledge and judgment."*

Sunnud of office to be granted to the pleaders for Government.

XXV. The Sudder Dewanny Adawlut is to cause a sunnud *under the seal of the court, and attested by the register, to be delivered to each of the pleaders for Government,*

in which shall be specified the name of the pleader, the date of his appointment, and the court in which he is to plead, and empowering him to plead therein under the rules contained in this regulation, or such other regulations as the Governor General in Council may hereafter enact.

XXVI. The pleaders for Government are to undertake all causes which they may be directed to plead by orders from Government, or that may be directed by any regulation to be carried on at the public expence, upon receiving a special order for that purpose immediately from the Governor General in Council, or from any officer or officers empowered by any regulation to superintend such suits, and furnish them with instructions for the conduct of them. The order of Government, or of such officer or officers, is to be filed in the court, as the authority for the pleader to plead the cause, and to form a part of the record of the proceedings.

What is to to be considered as authority to the pleaders of Government to plead a cause.

XXVII. The pleaders for Government are not to advise, or be concerned directly or indirectly on behalf of, the opponents of Government, in suits that are directed to be carried on at the public expence. In all other suits, the pleaders for Government are to be at liberty to plead for either of the parties, in the same manner as the other pleaders of the court.

Pleaders for Government not to plead, or be concerned against Government.

Pleaders for Government at liberty to engage on either side when Government is not a party.

XXVIII. The pleaders for Government are to be paid the same fees in causes directed to be pleaded at the public expence, as pleaders employed in causes between individuals, and under the same rules and restrictions.

Pleaders for Government to be paid the same fees for pleading suits carried on at the public expence, as are allowed to pleaders pleading for individuals.

XXIX. In pleading suits directed to be carried on at the public expence, the pleaders for Government are to be subject to all the rules prescribed to them when pleading on behalf of individuals, excepting in matters or cases in which it may be otherwise specially directed by any regulation.

Pleaders pleading for Government, to be subject to all the rules prescribed to pleaders pleading for individuals, except where it may be otherwise expressly directed.

XXX. A party in a suit who may be dissatisfied with the conduct of his pleader, is to be at liberty at any stage of the trial previous to the passing of the decision, to withdraw the powers delegated to him, and to appoint another pleader to plead the cause. The party is in such case to present a petition to the court, notifying that he has withdrawn the management of his suit from such pleader, and to file a vakalutnamah *in the name of the pleader whom he may appoint to carry on the suit. All acts done or performed by the dismissed pleader on the part of his client, are to be held equally valid as if he had been continued as pleader in the cause.*

Parties in a suit permitted to change their pleader during the time that the cause may be depending, under the restrictions herein specified.

XXXI. The parties in a cause are to be at liberty to prosecute the pleaders whom they may have employed, for any breach of this regulation, and for any fraudulent or bad practices regarding the suit.

Pleaders liable to prosecution by their clients, for fraudulent or bad practices in their suits.

XXXII. If a pleader shall be unable to attend the court from indisposition, he is to notify it in writing to the register of the court; and if any cause in which such pleader may be engaged shall come on before the court on the day on which he may be absent, the hearing of the cause is to be postponed to a future day, unless the absent pleader, with the consent of his client, shall commit the management of the cause to any other pleader of the court. If a cause in which a pleader may be engaged, shall be brought on, or the court shall have occasion to make any enquiries from him respecting it, and the pleader shall not be present in court, and his absence shall not be occasioned by indisposition, or if it shall have proceeded from indisposition, and he shall have omitted to notify his inability to attend to the register, the court shall fine him for the first offence fifty rupees, for the second, one hundred rupees, and for the third, he shall be dismissed from his office. The fines which may be imposed in the above cases, are to be levied in the same manner as the fines mentioned in Section 16.

Pleaders not to absent themselves but in case of indisposition, which is to be notified in writing to the register.

Hearing of causes in which pleaders so absent are engaged to be postponed, unless another pleader shall be appointed to plead them.

Punishment for pleaders guilty of a breach of this rule.

XXXIII. No part of this regulation is to be construed to prohibit, or prevent any individual from appearing and pleading his own cause in person in any of the courts of civil judicature, without employing a public pleader.

Individuals to have the option of pleading their causes in person, without employing a public pleader.

A. D. 1793. REGULATION VIII.

A REGULATION *for re-enacting, with Modifications and Amendments, the Rules for the decennial Settlement of the public Revenue payable from the Lands of the Zemindars, independent Talookdars, and other actual Proprietors of Land, in Bengal, Behar, and Orissa, passed for those Provinces respectively on the* 18*th September* 1789, *the* 25*th November* 1789, *and the* 10*th February* 1790, *and subsequent dates. — Passed by the Governor General in Council on the* 1*st May* 1793 ; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

THE original rules for forming a decennial settlement of the revenue to be paid from the lands in Bengal, Behar, and Orissa, passed for those provinces respectively on the 18th September 1789, 25th November 1789, and 10th February 1790, having undergone considerable alterations during the progress of the arrangement; an amended code of rules, including the original rules and the subsequent alterations, was passed on the 23d November 1791. That code is now re-enacted, with modifications and amendments, adapted to the principles of Regulations II. and III. 1793, by which the judicial powers heretofore vested in the collectors of the revenue as superintendents of the late courts of *maal adawlut* or revenue courts, are transferred to the courts of *dewanny adawlut*, or courts of civil judicature, established in the several *zillahs* and cities for the trial of all civil suits in the first instance.

Term of settlement to be for ten years, commencing with the Fussily, Willaity, and Bengal years, 1197.

II. A new settlement of the land revenue shall be concluded for a period of ten years, to commence with the Fussily, Willaity, and Bengal year 1197, for Behar, Orissa, and Bengal respectively.

Proprietors to be informed, it will be perpetual with the approbation of the Court of Directors, but not otherwise.

III. It shall be at the same time notified to the proprietors of land with whom the settlement may be concluded, that the assessment fixed by the decennial settlement, will be continued after the expiration of the ten years, and remain unalterable for ever, provided such continuance shall meet with the approbation of the Honorable Court of Directors, but not otherwise.

Settlement under certain restrictions, to be concluded with the actual proprietors of the soil.

IV. The settlement, under certain restrictions and exceptions hereafter specified, shall be concluded with the actual proprietors of the soil, of whatever denomination, whether *zemindars*, *talookdars*, or *chowdries*.

What descriptions of *talookdars* are to be considered the actual proprietors of the lands composing their *talooks*.

V. *First.* The *talookdars* to be considered the actual proprietors of the lands composing their *talooks*, are the following:

Proprietors of *talooks* obtained by purchase, or gift;

Second. Talookdars who purchased their lands by private, or at public sale, or obtained them by gift from the *zemindar*, or other actual proprietor of land to whom they now pay the revenue assessed upon their *talooks*, or from his ancestors, subject to the payment of the established dues of Government, and who received deeds of sale, or gift of such land, from the *zemindar*, or *sunnuds* from the *khalsah*, making over to them his proprietary rights therein.

Or which existed before the succession of the family of the *zemindar* to whom the revenue is paid;

Third. Talookdars whose *talooks* were formed before the *zemindar*, or other actual proprietor of land to whom they now pay their revenue, or his ancestors, succeeded to the *zemindaree*.

Fourth.

Or which never formed a part of the *zemindaree*;

Fourth. *Talookdars*, the lands comprised in whose *talooks*, were never the property of the *zemindar* or other actual proprietor of the soil to whom they now pay their revenue, or his ancestors.

and persons who have succeeded to any of the above mentioned descriptions of *talooks*.

Fifth. *Talookdars* who have succeeded to *talooks* of the nature of those described in the preceding clauses, by right of purchase, gift, or inheritance, from the former proprietors of such *talooks*.

Description of proprietors of *talooks* who are to continue to pay their revenue through an actual proprietor as heretofore.

VI. The proprietors of *talooks*, however, who now pay the public revenue assessed upon their lands through a *zemindar*, or other actual proprietor of land, and whose title deeds contain a clause stipulating that their revenue is to be paid through him, shall continue to pay their revenue through such *zemindar*, or other actual proprietor of land, as heretofore.

What *talookdars* are to be considered as leaseholders only, and not entitled to be rendered independent.

VII. *Talookdars* whose *talooks* are held under writings, or *sunnuds* from *zemindars*, or other actual proprietors of lands, which do not expressly transfer the property in the soil, but only entitle the *talookdar* to possession, so long as he continues to discharge the rent, or perform the conditions stipulated therein, are considered as leaseholders only, not actual proprietors of the soil, and consequently are not entitled to be rendered independent of the *zemindar*, or other actual proprietor of land, from whom they derive their tenures, provided they now pay the rent assessed upon their *talooks* to him.

Jungleboore *talookdars* herein described not entitled to separation from the proprietors.

VIII. *Talookdars* also whose tenure is denominated *jungleboore*, and is of the following description, are not considered entitled to separation from the proprietors of whom they hold. The *pottahs* granted to these *talookdars*, in consideration of the grantee clearing away the jungle, and bringing the land into a productive state, give it to him andhis heirs in perpetuity, with the right of disposing of it, either by sale, or gift, exempting him from payment of revenue for a certain term, and at the expiration of it, subjecting him to a specific *assul jumma*, with all increases, *abwabs*, and *muhtotes* imposed on the *purgunnah* generally; but this for such part of the land only as the grantee brings into a state of cultivation; and the grantee is further subject to the payment of a certain specified portion of all complimentary presents and fees, which he may receive from his under tenants, exclusive of the fixed revenue. The *pottah* specifies the boundaries of the land granted, but not the quantity of it, until it is brought into cultivation.

Proprietors of *malguzaree ayma* lands herein described entitled to separation, in the same manner as the proprietors of independent *talooks*.

IX. The rules in section 5, respecting *talooks*, have also been extended to *ayma* lands liable to the payment of a fixed quit revenue, denominated *malguzaree aymas*; and agreeably to the distinctions laid down in that section, it has been ordered, that such *malguzaree ayma* tenures as are held under grants of the Mahomedan government, previous to the Company's accession to the *dewanny*, or which have been since granted by proprietors of estates for a consideration received by them, are to be separated from the proprietors to whom their revenue is now paid, as coming within the spirit of the rules for the separation of *talookdars*, who are proprietors of the lands composing their *talooks*. But *malguzaree ayma* tenures which may appear to have been *bonâ fide* granted for the purpose of bringing waste lands into cultivation, shall continue included in the estates to which they are now annexed, as coming within the rules in section 8, respecting *jungleboore* *talooks*.

What *malguzaree ayma* lands shall not be separated.

Rules pointed out for the guidance of collectors in carrying into execution the orders relative to the separation of *talookdars*.

X. The rules contained in the following section have been prescribed for the guidance of the collectors, in carrying into execution the rules relative to the separation of *talookdars*, who are the actual proprietors of the lands composing their *talooks*, and are declared entitled to separation.

To examine the title deeds of *talookdars*, and separate from the jurisdiction of the *zemindars*, &c. such as may appear to be the actual proprietors of their *talooks*.

XI. Every *talookdar* being considered as the rightful possessor of his *talook*, until a better title is established against him by due course of law, the point to be ascertained by the collectors in carrying the above mentioned orders into effect, is not whether the holders of the several *talooks* under their authority are the lawful possessors of the *talooks* held by them, but whether the nature of their tenure is such as to entitle them to separation under the rules contained in sections 5, and 9; to ascertain which, they are to call upon the *talookdars* to produce their title deeds, and, after having examined them, are to separate from the jurisdiction of the *zemindars*, or other actual proprietors of estates, those who may appear to them to be actual proprietors of the lands composing their *talooks*, as described in those sections, continuing the remainder under the *zemindars* or other actual proprietors, as heretofore. If a *talookdar* should have no title deeds to produce, the collector

tor is to make a summary enquiry into his right to separation, and, after attending to such proofs and documents as may be produced by the *talookdar* in support of his title to separation, and by the *zemindar*, or other actual proprietor, in objection thereto, is to decide, according to the best of his judgment, whether such *talookdar* be entitled to separation or not, and conclude the settlement accordingly.

How to proceed in the event of a *talookdar* having no title deeds to produce.

XII. The collectors are to acquaint the *talookdars* whom they may adjudge not to be actual proprietors of the lands composing their *talooks*, and consequently continue under the *zemindars*, or other actual proprietors, as heretofore, that, if dissatisfied with their decision, they are at liberty to sue such *zemindars* or actual proprietors of land, in the court of *dewanny adawlut* of the *zillah*, for the right of property in their *talooks* ; and that in the event of their establishing such right, they will be separated from such *zemindars*, or other actual proprietors, and allowed to pay the revenue assessed upon their *talooks*, to the public treasury. They are also to acquaint the *zemindars*, or other actual proprietors, from whose estates *talooks* may be separated, and who may be dissatisfied with such separation, on the grounds of the holders of such *talooks* not being the actual proprietors of them, and consequently not entitled to separation under Sections 5 and 9, that they are liberty to sue such *talookdars* in the court of *dewanny adawlut* for the right of property in their *talooks*, and that, in the event of their establishing such right, the *talooks* will be replaced under them as heretofore. The right of property in every *talook*, in cases where it may be disputed, will thus be tried and decided upon according to law in the court of *dewanny adawlut* of the *zillah*, and either party dissatisfied with the decision of the judge, will have an appeal therefrom to the provincial court of appeal, and from the decision of that court to the Sudder Dewanny Adawlut, in cases that may be appealable to the last mentioned court.

Talookdars adjudged not to be proprietors of the soil, are at liberty, if dissatisfied, to sue the *zemindars*, &c. in the court of *dewanny adawlut*, for the right of property in their *talooks*.

Zemindars, &c. dissatisfied with the separation of *talooks* from their estates, are at liberty to sue the holders of such *talooks* in the court of *dewanny adawlut*, for the right of property in them.

Either party dissatisfied with the decision of the judge, will have an appeal to the *sudder dewanny adawlut*, agreeably to the judicial regulations.

XIII. *Talookdars*, whose *talooks* have been ordered to be separated, are not to be permitted to pay the revenue assessed upon their lands, through the *zemindars*, or other actual proprietors of estates, as heretofore.

Order for the separation of independent *talooks*, to be considered as positive.

XIV. *Talookdars*, who in consequence of the rules in Sections 5 and 9, may be separated from the *zemindars*, or other actual proprietors of estates through whom they heretofore paid their revenues, are to pay their revenue in future immediately into the collector's treasury, except in districts, where from the number of *talooks*, or other cause, this mode would be attended with considerable inconvenience, in which case *teshildars*, or native collectors, are to be appointed to receive the revenue of the *talooks* in such districts.

Separated *talookdars* to pay their revenue immediately into the collector's treasury, except in particular cases, in which *tehsildars* are to be appointed to receive it.

XV. *Zemindars*, or other actual proprietors of land; from whose *zemindarees*, or estates, *talooks* may be separated, shall not be appointed *tehsildars* to receive the revenue of the *talooks* so separated, but the office of *tehsildar* shall in every instance be given to some other person of character and responsibility, and the whole expence of it is to be defrayed by Government.

Proprietors from whose estates *talooks* may be separated, shall not be appointed *tehsildars*.

This office, to whom to be given, and the expence incident to it, how to be defrayed.

XVI. *Mocurreree* leases to persons not the actual proprietors of the lands included in such leases, if granted or confirmed by the Supreme Government, or obtained previous to the Company's accession to the *dewanny*, are to be continued in force during the lives of the lessees, subject to an abatement of the fixed *jumma* for the authorized *sayer* resumed or abolished; but on their death, the settlement is to be made with the actual proprietors of the soil, agreeably to this regulation.

Rule respecting *mocurreree* leases to persons not the proprietors of the lands included in them, if granted or confirmed by the Supreme Government, or obtained previous to the Company's accession to the *dewanny*.

XVII. *Mocurreree* grants to the actual proprietors of the soil, made or confirmed by the Supreme Government, are also to be continued in force, subject in like manner to an abatement of the fixed *jumma* on account of the resumption or abolition of the authorized *sayer*. The rules contained in this section, and section 16, are to be considered subject to the future confirmation, or revocation, of the Honourable Court of Directors.

Rules respecting *mocurreree* grants to the proprietors of the soil made or confirmed by the Supreme Government. Rules in this and the preceding section to be considered subject to the future confirmation or revocation of the Court of Directors.

XVIII. *Mocurrereedars* holding lands of which they are not the actual proprietors, and whose *mocurreree* grants have been obtained since the Company's accession to the *dewanny*, and never received the sanction of the Supreme Government, are to be dispossessed, and the settlement is to be made with the actual proprietors of the soil, under this regulation. In cases, however, where such *mocurrereedars* have been in possession of their *mocurrerees* for a term exceeding twelve years, they are to receive during their lives, (subject to the pleasure

Rule respecting *mocurrereedars* holding lands of which they are not the proprietors, granted since the Company's accession to the *dewanny*, and not sanctioned by Government.

Qualification of the preceeding part of this rule, but subject to the pleasure of the Court of Directors.

sure of the Honourable Court of Directors,) the difference between the *jumma* at which they held the lands, and that which may be now agreed to by the actual proprietors, added to the neat produce of the authorized *sayer*, resumed or abolished.

Description of *istemrardars* to be considered as *pottah talookdars*.

XIX. *Istemrardars*, however, who have not got possession of their lands to the exclusion, or without the consent of the actual proprietors, as the *mocurrereedars* mentioned in section 18, are supposed to have done, but hold them of the proprietors on *pottah*, or lease, are to be considered as a species of *pottah talookdars*, and the settlement is to be made with them as hereafter specified.

Exceptions to the general orders for the conclusion of the decennial settlement with the actual proprietors of the soil.

XX. The exceptions to the general order for the conclusion of the decennial settlement with the actual proprietors of the soil, contained in section 4, include the following descriptions of persons: females, (excepting those whom the Governor General in Council may judge competent to the management of their own estates,) minors, idiots, lunatics, or others rendered incapable of managing their lands by natural defects or infirmities of whatever nature; and persons, whom the Governor General in Council may deem disqualified on account of their contumacy or notorious profligacy of character; provided however, with regard to the whole of these descriptions, that they are not partners in the *zemindarees*, independent *talooks*, or other estates held by them, with others of a different description, in which case, themselves or guardians are allowed, with their partners, to engage for the settlement of their lands, and elect a joint manager, under the restrictions hereafter mentioned.

Qualifications of these exceptions.

Lands of proprietors included in the above exceptions to be managed by persons appointed by Government.

XXI. The lands of disqualified proprietors coming within the above descriptions, are to be managed for the benefit of the proprietors, by persons appointed to the trust by Government in the mode prescribed in Regulation X. 1793, which also contains rules for the selection and conduct of such managers, as well as regarding the provision to be made for the support of the proprietors.

Further exception with respect to proprietors of land in balance to Government, and unable to pay the arrears due from them.

XXII. A further exception has been made to proprietors in balance to Government, and unable to pay the arrears due from them; in which instances, no settlement is to be concluded with the defaulting proprietors, but their lands are to be let in farm, or held *khas*, for a period of three years at the discretion of the collector.

Settlement of undivided estates possessed by two or more proprietors, none of whom may come within the description of disqualified landholders, to be made with them jointly, but their lands to be entrusted to a manager.

Mode in which managers are to be appointed.

XXIII. Where more proprietors than one possess an undivided estate, and the whole of them be not within the description of disqualified landholders specified in Section 20, the settlement is to be made with them jointly, and they are to be required to elect a* serberakar *or manager, who shall have the exclusive management of their lands during the continuance of his appointment. The determination of the majority of the proprietors, or of the majority of those present, in the event of the absence of any, is to be binding on the remainder in the choice of a manager, and when the votes of the proprietors are equal, the election of the manager is to be determined by the greater interest of the proprietors in the property. If in any case the interest also be equal, the manager is to be appointed by the Board of Revenue.*

Cases in which guardians of proprietors are to vote for them in the choice of a manager.

XXIV. In instances, where part of the proprietors described in Section 23. may be minors, lunatics, idiots, or others having guardians, such guardians are to vote for them.

Collectors to nominate managers for undivided estates when the proprietors shall neglect to do so, to be confirmed by the Board of Revenue. Authority vested in the manager so appointed.

Expence to be defrayed by the proprietors, who are also to be responsible for the public revenue.

XXV. If the joint proprietors of undivided estates, should neglect to elect a serberakar *on the requisition of the collector of the revenue of the* zillah *in which such estates may be situated, the latter is authorized to nominate a manager for the approbation of the Board of Revenue, which manager, when confirmed by them, shall have the exclusive management, as long as it may be thought advisable to continue him. The expence of the manager, as well as the responsibility for the public revenue, resting nevertheless with the proprietors.*

Determination of the majority of the proprietors to be binding on the remainder, in agreeing to the *jumma* of undivided estates.

But the sharers, if dissatisfied, may obtain a division of their lands.

XXVI. The determination of the majority of the proprietors present, under the restrictions specified in Section 23. is also to be binding on the remainder, in agreeing, or disagreeing to the *jumma* proposed for undivided estates: the sharers however, if dissatisfied, may obtain a division of their lands, and a proportionate allotment of the revenue assessed thereon, but at their own expence.

* Sections 23 to 25 inclusive, rescinded by section 2, Regulation XVII. 1805.

XXVII.

XXVII. When a portion of land stands in the joint names of several proprietors, or of one for many, but each proprietor has his separate share in his own possession and management, or in that of an agent for him, the settlement is to be made for each share with the person in possession, and his land is to be held exclusively responsible for the revenue assessed upon it.

Rules respecting the settlement of land standing in the joint names of several proprietors, or of one for many, each proprietor having his separate share in his own possession.

XXVIII. In case of mortgage, if the mortgagee has obtained possession of the land, the settlement is to be made with him, and the proprietor is to be declared entitled to succeed to his engagements on recovering possession, either by the discharge of his obligations, or by the decision of a court of justice. If the mortgagee has not possession, the settlement is to be made with the proprietor in possession, and the mortgagee is in like manner to succeed to the lease, in case of possession being subsequently adjudged to him.

In what manner the settlement is to be made, in cases of lands being mortgaged.

XXIX. If after due enquiries and reference to the mofussil records, the proprietors of any land cannot be ascertained, the lands are to be held *khas pro-tempore*, and the same mode is to be adopted with regard to absentees. In both cases, an advertisement is to be issued requiring the proprietors, or absentees, to attend within a period of six months, and if they should not be forthcoming at the expiration of that period, a settlement is to be made with a farmer for ten years, allowing a preference to the *zemindar* nearest in situation, on his agreeing to the *jumma* and the terms that may be prescribed by the collector.

Rule to be observed when the proprietors of any land cannot be ascertained, and in cases of absentees.

The settlement of their lands how to be made, in the event of their not being forthcoming.

XXX. Where the property in lands is disputed, the settlement is to be made with the proprietor in possession, under an express declaration, that he is nevertheless liable to the claims upon the estate, which is to be transferrable to any other person to whom the property may be subsequently adjudged.

Settlement of disputed estates to be made with the proprietor in possession.

XXXI. If a case should occur, in which none of the claimants shall have been previously in possession, they are to be allowed to appoint a manager until their claims shall have been determined in the *dewanny adawlut* of the *zillah*: but if they should not agree to a manager, the lands are to be held *khas*, and the surplus produce, after discharging the revenue, is to be kept in deposit until the right of property shall be adjudged.

Mode to be observed in cases where none of the claimants shall have been previously in possession.

XXXII. Where disputes exist concerning the boundaries of land, they are to be left to be adjusted in the *dewanny adawlut*, and the settlement is to be made in the mean time for the lands in possession of the disputing parties respectively.

Rules for the settlement, in cases where disputes exist concerning the boundaries of lands.

XXXIII. The special rules for fixing the assessment of the three provinces respectively, adapted to the local circumstances of each, commence with Section 68, and the following general rules have been prescribed in addition thereto.

Rules for fixing the assessment pointed out.

XXXIV. The allowances of the *cauzies*, and *canoongoes*, heretofore paid by the landholders, as well as any public pensions, hitherto paid through the landholders, are to be added to the amount of the *jumma*, and in future paid by the collectors of the revenue of the several *zillahs*, on the part of Government, under the rules and restrictions laid down for their guidance with regard to such payments, in the resolutions passed by the Governor General in Council on the 10th June 1791, and re-enacted with modifications by Regulation XXIV. 1793.

Allowances of *cauzies* and *canoongoes*, and public pensions, paid by landholders, to be added to the *jumma*, and in future paid by the collectors under certain restrictions.

XXXV. The assessment is to be fixed exclusive, and independent of all duties, taxes, and other collections, known under the general denomination of *sayer*; the collections made in the *gunjes*, *hauts*, and *bazars*, situated within the limits of the town of Calcutta excepted, and excepting also the collections confirmed to the proprietors and holders of *gunjes*, *bazars*, and *hauts*, by the resolutions passed by the Governor General in Council on the 11th of June 1790. Those resolutions, with the subsequent rules enacted for the regulation of the *abkaree*, or tax on intoxicating liquors and drugs, the abolition of the other *sayer* collections resumed, and the compensations to be made to the proprietors and farmers of estates in consequence of this resumption and abolition, are re-enacted with modifications, by Regulations XXVII. and XXXIV. 1793.

The assessment to be fixed exclusive of *sayer*, with an exception to the collections, in the *gunjes*, &c. in Calcutta, and to certain other articles of collection confirmed.

XXXVI. The assessment is also to be fixed exclusive, and independent of all existing *lakheraje* lands, whether exempted from the *kheraje* (or public revenue) with or without due authority.

Assessment also to be fixed exclusive of all existing *lakheraje* lands.

XXXVII.

The above rule not meant to include *malikanah* lands in Behar, or private lands of *zemindars* and *talookdars* in Bengal and Midnapore.

XXXVII. The above exception, however, is not meant to include the *malikanah* lands in Behar, or the *nanker*, *khomer*, *neej-joot*, and other private lands of the *zemindars* and independent *talookdars*, or other actual proprietors of land in Bengal and Midnapore, regarding which the following rules have been prescribed:

Malikanah lands in Behar to be re-annexed, and the proprietors required to engage for the whole of their estates, including these lands.

XXXVIII. Where the *zemindars*, or other actual proprietors of land, in Behar, have resigned, or have been deprived of the management of their lands, retaining possession of a tithe as *malikanah*, the latter is to be re-annexed, and the *zemindars* or other actual proprietors, are to be required to engage for the whole of their estates including the *malikanah* lands; unless such lands be held as *malikanah* under grants made or confirmed by the Governor General in Council, or the supreme authority of the country for the time being, and have been sold, or mortgaged, and given in possession to the mortgagee, in which case they are to be exempted from this rule. Grants for *malikanah* lands not made or confirmed by the supreme authority of the country, are declared invalid by the regulations passed on the 8th August 1788. If the collectors, however, should be of opinion, that any material injury will be done to any individual by the execution of these orders, they are to report the circumstances to the Board of Revenue.

Nanker, *khomer*, *neej-joot*, and other private lands of the proprietors, in Bengal and Orissa, to be annexed to the *malguzaree* lands, and the *jumma* fixed upon the whole.

Modification of the rule.

XXXIX. The *nanker*, *khomer*, *neej-joot*, and other private lands, appropriated by the *zemindars*, independent *talookdars*, and other actual proprietors of land, in Bengal and Orissa, to the subsistence of themselves and families, shall be also annexed to the *malguzaree* lands, and the ten years *jumma* fixed upon the whole under the following modification; that such proprietors as may decline to engage for their lands, be allowed the option of retaining possession of their private lands above specified, upon the terms on which they have hitherto possessed them, provided they shall prove to the satisfaction of the Board of Revenue, that they held them under a similar tenure, previous to the 12th August 1765, the date of the grant of the *dewanny* to the Company, and have hitherto been permitted to keep possession of them, whenever their *zemindarees* or estates have been held *khas* or let in farm, but not otherwise. In the event of such proof, and of their availing themselves of the option above given to retain possession of their private lands, a deduction adequate to the neat produce of such lands, is to be made from the amount of the allowance fixed for excluded proprietors by Section 44.

The consolidation of the *malguzaree* and private lands to be made also in *talooks*, continued under proprietors on whom they have been hitherto dependant.

Motive of this consolidation.

XL. The above consolidation of the *malguzaree* and private lands, is also to be made in the *talooks* continued under the proprietors on whom they have hitherto been dependant; not however with a view of increasing the rents of the *talookdars*, but in order to make the whole of the lands composing their *talooks*, answerable for their proportion of the public assessment allotted thereon.

Chakeran lands to be annexed to the *malguzaree* lands, and declared responsible for the public revenue.

XLI. The *chakeran* lands, or lands held by public officers, and private servants, in lieu of wages, are also not meant to be included in the exception contained in Section 36. The whole of these lands in each province, are to be annexed to the *malguzaree* lands, and declared responsible for the public revenue assessed on the *zemindarees*, independent *talooks*, or other estates, in which they are included, in common with all other *malguzaree* lands therein.

All engagements for the *jumma* to be for *sicca* rupees, subject for the present to a provisionary clause.

Collectors to insert in their treasury accounts the rates of *batta* at which they may receive all rupees not *siccas*.

Process to be observed when the landholders decline engaging for the *jumma* proposed to them.

XLII. All engagements for the *jumma*, whether executed by proprietors or farmers, are to be for *sicca* rupees, and a clause is to be inserted, obliging them to pay to Government *siccas*, or the same species of rupees as they may receive from their under farmers or *ryots*, at the *bazar* rates of *batta*, until a sufficient number of *sicca* rupees can be circulated to make these the only legal tender. The collectors are to insert in their treasury accounts the rates of *batta* at which all rupees, not *siccas*, may be received by them.

XLIII. In the event of any proprietor declining to engage for the settlement of his lands at the *jumma* proposed to him, the collector is to communicate the objections offered, with his opinion respecting them, to the Board of Revenue. That Board is to determine the proper assessment, after making such further enquiries as they may think necessary; and the objecting proprietor is to be required to engage for such assessment without further delay; and, in the event of his refusal, which is to be given in writing, his lands are to be let in farm, or held *khas*, as the Board of Revenue may in each instance think most expedient.

XLIV.

XLIV. Proprietors who may finally decline engaging for the *jumma* proposed to them, and whose lands may consequently be let in farm, or held *khas*, are to receive *malikanah*, (an allowance in consideration of their proprietary rights,) at the rate of ten per cent. on the *sudder jumma* of their lands, if let in farm, or, at the same rate on the neat collections from their lands, if held *khas*, viz. on the neat amount realized by Government after defraying the *malikanah*, as well as all other charges. Out of this allowance, however, a provision is to be made for such persons belonging to the families of the proprietors as may be entitled thereto

Proprietors who may finally refuse to engage for the *jumma* required from them, are to receive *malikanah*, and in what proportion.

XLV. When the lands are let in farm, the farmer is to engage to pay the ten per cent. *malikanah* to the proprietor of the lands farmed by him, in addition to the *jumma* payable by him to Government, and to pay this *malikanah* monthly, according to the *kistebundy* fixed for the *sudder jumma*, with an exception to any cases in which it may have been otherwise stipulated with the farmers.

Rule respecting the payment of the *malikanah* when the lands are let in farm.

XLVI. The collectors are to enforce payment of the *malikanah* specified in Section 45. from the farmers, by the same process as is prescribed for enforcing payment of arrears of the public revenue, if they shall at any time neglect to pay the instalment due from them; and Government are to be considered as guarantees for the full payment of the fixed allowance to the several excluded proprietors.

How the collectors are to enforce payment of the *malikanah*.

Government guarantees for full payment of the *malikanah* of proprietors.

XLVII. In the event of the lands being held *khas*, on the refusal of the proprietor to engage for the settlement of them, the *malikanah*, calculated as above specified, is to be paid monthly from the treasuries of the collectors, and it shall be paid entirely in money, instead of half in cash, and half in paper, as formerly.

How to be paid when the lands are held *khas*.

XLVIII. The settlement having been concluded with the *zemindars*, independent *talookdars*, and other actual proprietors of land, they are to enter into engagements with the several dependant *talookdars*, continued under them respectively, and consequently paying revenue through them, for the same period as the term of their own engagements with Government, provided the *talookdars* will agree to such revenue, progressive or otherwise, as the *zemindar* or other actual proprietor of land may be entitled to demand from them; and the several *zemindars*, or actual proprietors of land to whom this rule may be applicable, are required to deliver to the collector, within three months after the conclusion of the settlement with them, a record of the engagements entered into between them and the *talookdars* dependant on them, specifying their names and *talooks*, and the *jumma* payable by each.

Settlement to be made by proprietors with the *talookdars* continued under them, and in what manner.

XLIX. It is to be understood, however, that *istemrardars (mocurrereedars)* of the nature of those described in Section 18, who have held their land at a fixed rent for more than twelve years, are not liable to be assessed with any increase, either by the officers of Government, or by the *zemindar* or other actual proprietor of land, should he engage for his own lands. With regard to such *istemrardars* also, as have not held their lands at a fixed rent for so long a period, if the *zemindar* or other actual proprietor of land, has bound himself by the deed which he may have executed, not to lay any increase upon them, he shall not be allowed to infringe the conditions of the deed for his own benefit, but must confine his demands to the rent he may have voluntarily agreed to receive.

Restrictions regarding the assessment of a certain description of *istemrardars* who are to be considered as leaseholders.

L. This last restriction imposed on the *zemindar*, or other actual proprietor of land, in Section 49, is not to be considered to preclude the officer of Government or farmer, in the event of the *zemindaree* being held *khas*, or let in farm, from assessing such *istemrardars*, according to the general rate of the district.

To what the last restriction imposed on actual proprietors of land in the preceding section is not to extend.

LI. The following rules are prescribed to prevent undue exactions from the dependant *talookdars*.

Further rules to prevent undue exactions from the *talookdars*.

First. No *zemindar* or other actual proprietor of land, shall demand an increase from the *talookdars* dependant on him, although he should himself be subject to the payment of an increase of *jumma* to Government, except upon proof that he is entitled so to do, either by the special custom of the district, or by the conditions under which the *talookdar* holds his tenure; or that the *talookdar*, by receiving abatements from his *jumma*, has subjected himself to the payment of the increase demanded, and that the lands are capable of affording it.

Proprietors not to demand an increase from such *talookdars*, excepting in the cases herein specified.

Second.

Penalty for proprietors making exactions from *talookdars*.

Second. If in any instance it be proved, that a *zemindar* or other actual proprietor of land, exacts more from a *talookdar* than he has a right to, the court shall adjudge him to pay a penalty of double the amount of such exaction, with all costs of suit to the party injured.

Actual proprietors to let their remaining lands under the prescribed restrictions in whatever manner they may think proper.

LII. The *zemindar* or other actual proprietor of land, is to let the remaining lands of his *zemindaree* or estate, under the prescribed restrictions, in whatever manner he may think proper; but every engagement contracted with under farmers, shall be specific as to the amount and conditions of it; and all sums received by any actual proprietor of land, or any farmer of land, of whatever description, over and above what is specified in the engagements of the persons paying the same, shall be considered as extorted, and be repaid with a penalty of double the amount. The restrictions prescribed and referred to in this section, are the following.

Restrictions alluded to in Section 52.

LIII. No person contracting with a *zemindar*, independent *talookdar*, or other actual proprietor, or employed by him in the management of the collections, shall be authorized to take charge of the lands or collections, without an *amilnamah*, or written commission, signed by such *zemindar*, independent *talookdar*, or other actual proprietor.

Process to be observed to prevent imposition on the *ryots* under the denomination of *abwab*, *muhtote*, &c.

LIV. The impositions upon the *ryots*, under the denomination of *abwab*, *muhtote*, and other appellations, from their number and uncertainty, having become intricate to adjust, and a source of oppression to the *ryots*; all proprietors of land and dependant *talookdars*, shall revise the same, in concert with the *ryots*, and consolidate the whole with the *asul*, into one specific sum. In large *zemindarees*, or estates, the proprietors are to commence this simplification of the rents of their *ryots*, in the purgunnahs where the impositions are most numerous, and to proceed in it gradually, till completed, but so, that it be effected for the whole of their lands, by the end of the Bengal year 1198, in the Bengal districts, and of the Fussily and Wallaity year 1198, in the Behar and Orissa districts, these being the periods fixed for the delivery of *pottahs* as hereafter specified.

Proprietors, and farmers of land, prohibited imposing any new *abwab* or *muhtote* on the *ryots*, and penalty in case of disobedience.

LV. No actual proprietor of land, or dependent *talookdar*, or farmer of land, of whatever description, shall impose any new *abwab* or *muhtote* upon the *ryots*, under any pretence whatever. Every exaction of this nature shall be punished by a penalty equal to three times the amount imposed; and if, at any future period, it be discovered, that new *abwab* or *muhtote* have been imposed, the person imposing the same, shall be liable to this penalty, for the entire period of such impositions.

Variations of *pottah* according to articles of produce admitted under certain restrictions.

LVI. It is expected, that in time, the proprietors of land, dependant *talookdars*, and farmers of land, and the *ryots*, will find it for their mutual advantage to enter into agreements in every instance for a specific sum, for a certain quantity of land, leaving it to the option of the latter to cultivate whatever species of produce may appear to them likely to yield the largest profit; where, however, it is the established custom to vary the *pottah* for lands according to the articles produced thereon, and while the actual proprietors of land, dependant *talookdars*, or farmers of land, and *ryots* in such places, shall prefer an adherence to this custom, the engagements entered into between them, are to specify the quantity of land, species of produce, rate of rent, and amount thereof, with the term of the lease, and a stipulation, that in the event of the species of produce being changed, a new engagement shall be executed for the remaining term of the first lease, or for a longer period, if agreed on; and in the event of any new species being cultivated, a new engagement, with the like specification and clause, is to be executed accordingly.

What the *pottahs* to be delivered to the *ryots* are to contain.

LVII. *First.* The rents to be paid by the *ryots*, by whatever rule or custom they may be regulated, shall be specifically stated in the *pottah*; which, in every possible case, shall contain the exact sum to be paid by them.

Rule where the rate only can be specified, and for payments in kind.

Second. In cases where the rate only can be specified, such as where the rents are adjusted upon a measurement of the lands after cultivation, or on a survey of the crop, or where they are made payable in kind, the rate and terms of payment, and proportion of the crop to be delivered, with every condition, shall be clearly specified.

Forms of pottahs *to be registered in the* zillah *court, and copies to be de-*

LVIII. Every* zemindar, *independent* talookdar, *or other actual proprietor of land, and every dependant* talookdar, *shall prepare the form of a* pottah *or* pottahs, *conformably to the*

* This section is rescinded by Section 3, Regulation V. 1812.

rules

rules above prescribed, and adapted to the circumstances of his estate or talook; *and, after obtaining the collector's approbation of it, (which approbation shall be signified by such officer superscribing the form with his name and official appellation,) he is to register a copy of the form or forms, in the* dewanny adawlut *of the* zillah, *and to deposit a copy in each of the principal* cutcherrees *in his estate or* talook. *Every* ryot *shall be entitled to receive corresponding* pottahs *on application; and no* pottahs *of any other form shall be hereafter held valid.*

posited in each of the principal cutcherrees.

LIX. A *ryot*, when his rent has been ascertained and settled, may demand a *pottah* from the actual proprietor of land, dependant *talookdar*, or farmer, of whom he holds his lands, or from the person acting for him; and any refusal to deliver the *pottahs*, upon being proved in the court of *dewanny adawlut* of the *zillah*, shall be punished by the court, by a fine proportioned to the expence and trouble of the *ryot* in consequence of such refusal. Actual proprietors of land, dependant *talookdars*, and farmers, are also required to cause a *pottah* for the adjusted rent to be prepared and tendered to the *ryot*; either granting the same themselves, or intrusting their agents to grant the same. No farmer, however, without special permission from the proprietor of the lands, or (if the lands form part of a dependant *talook*) the dependant *talookdar*, shall grant a *pottah* extending beyond the period of his own lease; nor shall any agent grant a *pottah* without authority from the proprietor, or dependant *talookdar*, or the manager of disqualified proprietors.

Ryots may demand *pottahs* of proprietors of land, and farmers, who are also required to grant them.

Penalty in case of refusal.

Restrictions on farmers and agents in granting *pottahs*.

LX. *First.* All leases to under farmers and *ryots* made previous to the conclusion of the settlement, and not contrary to any regulation, are to remain in force until the period of their expiration, unless proved to have been obtained by collusion, or from persons not authorized to grant them.

All existing leases to under farmers and *ryots* to remain in force until the period of their expiration.

Exception to the rule.

Second. No actual proprietor of land or farmer, or persons acting under their authority, shall cancel the *pottahs* of the *khodkasht ryots*, except upon proof that they have been obtained by collusion; or that the rents paid by them within the last three years, have been reduced below the rate of the *nirkbundee* of the *purgunnah*; or that they have obtained collusive deductions; or upon a general measurement of the *purgunnah* for the purpose of equalizing and correcting the assessment. The rule contained in this clause is not to be considered applicable to Behar.

No proprietor of land, or dependant *talookdar*, or farmer of land, shall cancel the *pottahs* of *khodkasht ryots* except in certain specified cases.

LXI. The proprietors of estates, and the dependant *talookdars*, and farmers of land in Bengal, are allowed until the end of the Bengal year 1198, and those in Behar and Orissa until the end of the Fussily and Wallaity year 1198, to prepare and deliver *pottahs* to the *ryots*, in conformity to the preceding rules,* *but after the expiration of the year* 1198, *no engagements for rent, contrary to those ordered, are to be held valid*; and in the event of any claims being preferred by proprietors of estates, or dependant *talookdars*, farmers, or *ryots*, on engagements, wherein the consolidation of the *asul*, *abwab*, &c. shall appear not to have been made, they are to be nonsuited with costs.

Time allowed to proprietors of land and dependant *talookdars* and farmers of land to prepare and deliver *pottahs* to the *ryots*.

Claims on engagements contrary to those ordered, how to be considered and decided on.

LXII†. *First. The annual revenue to be paid to Government, from the estates of the proprietors of land with whom a settlement has been or may be concluded, having been declared fixed for ever; and courts of justice having been established, with powers to protect them against all demands exceeding that fixed revenue, whether made by the officers of Government or other persons, or by the authority of Government itself; and on the other hand, the grounds on which deductions and abatements were heretofore occasionally obtained by proprietors of estates when their* jumma *was liable to frequent variation, no longer existing; neither their rights, nor the value of their property, can be affected in future by the real produce of their estates being known. The rules therefore hereafter prescribed regarding* putwarees, *which are framed solely to facilitate the decision of suits in the courts of judicature, between proprietors and farmers of lands and persons paying rent or revenue to them, and to guard against any diminution of the fixed revenue of Government, or injustice to individuals, by enabling the collectors to procure the necessary information and accounts for allotting the public* jumma *upon estates that may be divided, agreeably to the principles prescribed in Regulation* I. 1793, *can be objected*

Rules regarding putwarees.

* This part of the sentence rescinded by Section 3, Regulation V. 1812.
† The whole of this section rescinded by Section 2 Regulation XII. 1817.

to

to by those proprietors only, who may have it in contemplation, in the event of the division or transfer of a portion of their estates, to deprive Government of a part of the fixed revenue, or defraud some of the partners in their estates, by obtaining a disproportionate allotment of the public assessment on the several shares; or to oppress the persons paying rent or revenue to them with impunity, by withholding from the courts of justice, the documents necessary to enable them to afford redress to the complainants. It being essential to the security of the public revenue, as well as of private rights and property, and at the same time consistent with the ancient usages of the country, and the declarations in the proclamation announcing the public assessment on the lands fixed for ever, that Government should have the means of counteracting such unjustifiable views, the following rules have been adopted:

Proprietors to appoint a putwaree *to keep the accounts of each village.*

Second. *Every proprietor of land, who may not have established a* putwaree *in each village in his or her estate, to keep the accounts of the* ryots, *as required by the original rules for the decennial settlement of the three provinces, shall immediately appoint a* putwaree *in each village for that purpose. All proprietors of estates are to deposit in the* dewanny adawlut *of the* zillah, *the collector's* cutcherry, *and the principal* cutcherry *in each* mohul *or* purgunnah, *a list of the* putwarees *in their respective estates, and the names of the villages, the accounts of which they may be severally appointed to keep. The proprietors are to notify every three months to the court and the collector, all vacancies that may occur, and the names of the persons whom they may appoint to fill them. The Board of Revenue are empowered to authorize any proprietor to reduce the number of* putwarees *in such proportion as they may think proper, in cases in which it may appear to them unnecessary to entertain a separate* putwaree *for each village.*

Board of revenue may authorize proprietors to reduce the number of putwarees.

Putwarees to produce all accounts required by the courts of judicature,

Third. *The* putwarees *in every estate, are to produce all accounts relating to the lands, produce, collections, and charges, of the village or villages, the accounts of which may be kept by them respectively, and to furnish every information and explanation that may be required regarding them, whenever they may be required by any court of justice to adjust any suit that may be depending before the court between the proprietor or farmer of the estate, and the* ryots, *or any persons paying rent or revenue to them, or any other suit.*

and also for the allotment of the public revenue in the cases herein specified, when required by the collector.

Fourth. *The* putwarees *in each estate, shall also produce the accounts specified in the preceding clause, and furnish every explanation and information that may be required respecting them, for the allotment of the public revenue, agreeably to the principles laid down in Regulation* I. 1793, *in the event of the whole or any portion of the estates being directed to be disposed of at public sale, or being transferred by any private act of the proprietor or proprietors, or of the estate being ordered to be divided pursuant to a decree of a court of judicature, or, where it may be a joint estate, in consequence of the request of one or more of the proprietors. But no collector is to require a* putwaree *to attend him, and produce his accounts, but for the purposes above mentioned, or in any other cases, in which they may be expressly empowered to require them, by any regulation printed and published in the manner directed in Regulation* XLI. 1793. *If any collector shall require the* putwaree *of any village or villages to attend him, and produce the village accounts, for purposes, or in cases in which he may not be authorized to inspect them, the court of* dewanny adawlut, *upon the circumstances being represented to it by the proprietor of the estate, is empowered to make an order to prohibit the collector requiring the accounts, and in the event of his repeating the requisition, to adjudge him to pay a fine to the proprietor of the estate of such sum as to the court may appear proper, and to levy the fine in the mode in which the courts are empowered to levy fines from the collectors in the suits described in Section* 33, *Regulation* XIV. 1793.

Cases in which the collectors are prohibited requiring accounts from putwarees, *and,*

penalty for breach of the prohibition.

How the collectors and the courts are to compel the attendance of putwarees.

Fifth. *When a collector shall require the attendance of a* putwaree *for the examination of his accounts, either before him, or any officer whom he may depute for the purpose, he is to serve such* putwaree *with a written notice under his official signature, and the seal of the* zillah, *to attend with the accounts required, which are to be particularized in the notice. If he shall omit to attend with the accounts by the limited time, and shall not show good cause to the collector for the omission, the collector is authorized to represent the circumstances through the* vakeel *of Government to the court of* dewanny adawlut *of the*

zillah,

zillah, *the judge of which, provided there shall appear to him sufficient cause for so doing, may order such* putwaree *to be committed to close custody until he produces the accounts. The courts are to observe the same process with* putwarees *who may omit to attend with their accounts when required, for the adjustment of any matter or dispute depending before the courts.*

Sixth. Putwarees *shall be required to swear to the truth of the accounts they may produce when deemed necessary, and in the event of the collector having occasion to proceed in person, or to depute an officer to examine any village accounts on the spot, the judge, upon application being made to him for that purpose by the collector through the* vakeel *of government, may grant to him, or to such officer, a commission to swear the several* putwarees *whose accounts are to be inspected, inserting in the commission the name of each* putwaree *to be sworn. If the collector shall have occasion to examine the accounts of a* putwaree *at the station at which the court may be established, he is to cause him to be sworn before the court, if he shall judge it necessary to require him to make oath to the truth of his accounts.*

Putwarees may be required to swear to the truth of their accounts.

Seventh. *If a* putwaree *shall have sworn to the truth of any account that he may have been required to produce before a court of justice, for the purpose of deciding any matter before the court, and the accounts shall afterwards be found to have been fabricated, or altered, or not to be the true accounts, the judge of the court is empowered to commit him to be tried for perjury before the court of circuit.*

Putwarees liable to be prosecuted criminally for swearing to false accounts in a court of judicature.

Eighth. *If a* putwaree *shall have been sworn before a judge, or before a collector, or the officer of a collector, to any accounts that he may have been required to produce before the collector, or his officer, in a case in which the collector may have been empowered to require him to produce such accounts, and the accounts shall afterwards appear to have been fabricated or altered, or not to be the true accounts, the collector is empowered to employ the* vakeel *of Government to prosecute such* putwaree *for perjury. In the cases specified in this and the preceding clause, if it shall be proved to the satisfaction of the court that the accounts were fabricated, altered, or changed, by the orders, or with the knowledge or connivance of the proprietor or farmer of the estate, the court shall impose such fine upon the proprietor or farmer so offending, as may appear to it proper, upon a consideration of the case, and the situation and circumstances of the offender.*

Or before a collector.

Punishment for proprietors or farmers concerned in falsifying the accounts.

Ninth. *Upon the accounts of any village being ordered to be produced, if it shall be found that no* putwaree *has been appointed to keep the accounts of the* ryots, *in conformity to the rules prescribed in Clause Second, the court, provided it be a case in which the requisition of the accounts may be authorized, shall fine the proprietor for the first offence, in such sum as it may judge proper, upon a consideration of his or her situation and circumstances, and the nature of the case; and for the second offence, twice the amount of the fine for the first; and for the third and every subsequent offence, double the amount of the fine for the preceding one. If the accounts shall have been required by the collector, he is to order the* vakeel *of government to sue the proprietor on the part of Government under this section, for a breach of the rule in Clause Second.*

How proprietors omitting to appoint putwarees *are to be proceeded against.*

Tenth. *The rules contained in this section, are hereby declared equally applicable to dependant* talooks, *as to estates paying revenue immediately to Government.*

Above rules regarding putwarees *applicable also to dependant* talooks.

LXIII. *First.* Every proprietor of land, dependant *talookdar*, or farmer of land, of whatever description, and their agents of every gradation, receiving rents or revenues from dependant *talookdars*, under-farmers, *ryots*, or others, are to give receipts for all sums received by them; and a receipt in full on the complete discharge of every obligation. Any person to whom a receipt may be refused, on his establishing the same in the *dewanny adawlut* of the *zillah*, shall be entitled to damages from the party who received his rent or revenue, and refused the receipt, equal to double the amount paid by him.

Proprietors of land, dependant *talookdars*, farmers, and their agents, to give receipts for all sums received as rent or revenue, under the penalty herein specified.

Second. In case any village, or lands, should be affected by inundation, or other calamity, causing the *ryots* to desert, it shall not be lawful for any proprietor of land, dependant *talookdar*, or farmer of land of whatever description, or their agents, to demand the rents of the absconded *ryots* from those who may remain.

Rents of absconded *ryots* not to be demanded from those who remain.

Rules for adjusting the *mofussil kistbundies.*

LXIV. The proprietors of land, dependant *talookdars*, and farmers of land, of every description, are to adjust the instalments of the rents receivable by them from their under renters and *ryots*, according to the time of reaping and selling the produce, and they shall be liable to be sued for damages for not conforming to this rule.

Proprietors and dependant *talookdars*, restricted from entering into engagements contrary to this regulation.

LXV. No proprietor of land, or dependant *talookdar*, shall contract any engagement, with any under-farmer, or authorize any act, contrary to the letter and meaning of this regulation.

Landholders and farmers of land of every description, and their dependants, prohibited interfering in any matters coming within the cognizance of the civil or criminal courts of judicature, or the magistrates.

LXVI. *Zemindars*, independent *talookdars*, and other actual proprietors of land, dependant *talookdars*, farmers of land holding farms immediately of Government, and all persons farming lands of the abovementioned descriptions of landholders and farmers of land, and their respective officers, agents, servants, dependants, and *ryots*, are prohibited from taking cognizance of, or interfering in matters or causes coming within the jurisdiction of the courts of civil judicature, or the courts of circuit, or the magistrates, under pain of being liable to the payment of such fine to Government, and damages to the party injured, as the court of judicature in which they may be prosecuted for the act, may deem it proper to impose and award.

Restrictions in the *quboolcats* not repealed by any regulation, to be considered in force.

LXVII. *First.* Such of the restrictions on actual proprietors of land, and farmers who hold their farms immediately of Government, as are set forth in their respective *quboolcats*, and are not repealed by any regulation printed and published in the manner directed in Regulation XLI. 1793, are to be considered in full force.

Proprietors of land entitled to borrow money, or sell their estates of their own authority, from the date of the settlement being concluded with them.

Bonâ fide transfers of estates or *talooks* made subsequent to the 8th June 1787, to be held valid.

Second. Actual proprietors of land, are to be considered to have been entitled between the period of the conclusion of the settlement with them and the 22d March 1793, the date of the proclamation declaring the decennial settlement perpetual inserted in Regulation I. 1793, to borrow money on the credit of their lands, and to sell or otherwise dispose of them, subject to the rules and restrictions existing when the transaction took place; and all *bonâ fide* transfers of *zemindarees*, or other estates, or *talooks*, made by any actual proprietor of land, or dependant *talookdar*, subsequent to the 8th June 1787, are to be deemed valid, although they shall have taken place without the sanction of the Board of Revenue required to be obtained by the regulations passed on that date; and all actual proprietors of land and dependant *talookdars* are to be held to have been at liberty from the 29th October 1790, to borrow money without the sanction of the Board of Revenue.

Rules regarding the recovery of arrears of rent or revenue from *ryots*, or under-farmers, contained in Regulation XVII. 1793.

Third. In the amended code of the rules for the decennial settlement passed on the 23d November 1791, it was declared, that in all instances in which *ryots* should give security for the performance of their engagements, and such security should be accepted by the landholders or farmers, it should not be lawful for the two latter to attach the crop of the former, unless the security should have absconded, and other good security not have been tendered in consequence. This rule was annulled by the regulations passed by the Governor General in Council, on the 20th July 1792, which have been re-enacted with alterations and amendments by Regulation XVII. 1793.

Proprietors and farmers of land deprived of police jurisdiction.

Fourth. In the original rules for the decennial settlement, the landholders were declared responsible for the peace of their districts, and bound to act agreeably to such regulations on that head, as might afterwards be enacted. This rule was superseded by the regulations passed by the Governor General in Council, on the 7th December 1792, which have been re-enacted with alterations and amendments by Regulation XXII. 1793.

Collector to attend to the spirit of the rules in this regulation, where they may not be applicable to particular districts.

Restrictions under which this rule is to be applied.

Fifth. In the original rules above mentioned, it was also directed, that if in any instance the regulations should appear inapplicable to the circumstances of any particular district, the collector should attend to the spirit of them, and carry them into execution in such mode as circumstances might allow, reporting any alterations or modifications which he might deem necessary. This rule is to be considered still in force in forming any settlements which remain to be concluded, but it is not to be construed to empower the collector to exercise any judicial authority.

In what cases the settlement was to be concluded, under the regulations which existed prior to the original rules for the decennial settlement.

Sixth. It was further ordered in the original rules before mentioned, that if from want of sufficient materials or information, or on account of other impediments, the collectors should be unable to complete the settlement of all the *purgunnahs* under their charge, agreeably to the prescribed plan, within the year 1197 of the eras current in the three pro-

vinces respectively, the settlement was to be made for one year only, according to the principles laid down in the regulations of the 25th April 1788, for the settlement of 1196, the year preceding the first year of the decennial settlement.

BENGAL SPECIAL ORDERS.

LXVIII. In fixing the amount of the assessment, the *jumma* of the preceding year, compared with the accounts and information supplied by the collectors, and the recommendation of the Board of Revenue founded thereon, is to be the standard, under the following considerations.

What is to be considered as the standard in fixing the assessment.

LXIX. If the Board of Revenue shall have reason to believe, that the accounts furnished of any particular district or districts are materially defective; that more accurate information of their actual produce is necessary; and that it can be procured without having recourse to *hustaboods* and measurements, which have been prohibited, the decennial settlement of such districts is to be postponed.

Cases wherein the Board of Revenue may postpone the decennial settlement.

LXX. No abatement from the *jumma* of the preceding year is to be allowed, without the special sanction of the Governor General in Council.

No abatement from the *jumma* of the preceding year is to be allowed without special sanction.

LXXI. Any occasional diminution of the *jumma* which it may be necessary to allow on account of casualties of season, is to be restored by a *russud*, or progressive increase; but no *russud* shall be established to extend beyond the third year of the settlement, except in the separated *talooks*, and other petty *mehals*, in which the Board of Revenue may allow a further extension of the *russud*, if it shall appear to them expedient.

LXXII. The settlement is to be made, as far as possible, in one neat sum, free from any charges of *moshaira*, *zemindaree amlah*, *poolbundy*, *cutcherry* charges, or others of a similar nature; it being intended, that all charges incidental to the receipt of the rents of the lands, and independent of the allowances of the officers of Government, and expences attending the collection of the public revenue, shall be defrayed by the proprietors from the produce of their lands.

Settlements to be made as far as possible in one neat sum, free from all charges of the nature herein specified.

LXXIII. In every possible case, all separate allowances to the families and connections of the proprietors of land, are to be abolished, and the provision for their maintenance is to devolve upon the proprietors.

Separate allowances to families of proprietors to be abolished, and provided for by the proprietors.

LXXIV. With respect to any of the existing established *zemindaree* charges, such as pensions, charitable or other allowances, which it may be thought proper to continue, they shall be paid by the collectors, and the proprietors and farmers of land are to have no concern in them, unless, for special reasons of convenience, it should be deemed more expedient in any instance to entrust the proprietors or farmers of land with the disbursement of them.

Established *zemindaree* charges which are to be paid by the collectors, except in certain cases.

LXXV. The standard for fixing the future assessment mentioned in Section 68, viz. The *jumma* of the preceding year, compared with the accounts and information supplied by the collectors, and the recommendation of the Board of Revenue thereon, cannot be applied however to the separated *talooks*, which have not heretofore paid any *jumma* immediately to Government; nor is it to be understood to be applicable to any instances where the actual produce of the lands may have been ascertained. In all such instances, and in all separated *talooks*, the *jumma* of which shall clearly appear to have been fixed below the general rate of assessment of the *purgunnah* wherein they are situated, the assessment is to be regulated so as to leave to the proprietors a provision for themselves and families, equal to about ten per cent. on the amount of their contributions to Government, including the produce of their *nankar*, or other private lands, to be annexed to the *malguzaree* lands, as directed in Section 39; and the *talookdars* whose *jumma* may be raised by virtue of this rule, are to be informed, that they may sue in the *dewanny adawlut*, the proprietor who fixed their *jumma*, if they shall think themselves aggrieved by their payments being enhanced, contrary to the terms of a grant which the *zemindars* had no authority to bestow on them.

Exceptions to the application of the standard of assessment mentioned in Section 68.

Separated *talookdars* whose *jumma* may be raised under this section, at liberty to sue the *zemindars* who fixed their *jumma*.

LXXVI. From this rule however are to be excepted, all separated *talooks*, as well as all lands heretofore paying revenue immediately to Government, which may have been held at

Exceptions to the preceding rule in favour of separated *talookdars* and others

who have paid a fixed *jumma* for the last twelve years.

at a fixed *jumma* during the last twelve years; and the decennial settlement is to be concluded with the proprietors of such *talooks* and lands, at the *jumma* hitherto paid by them, subject to such deduction as may be found equitable on account of the *sayer*, resumed or abolished.

Circumstances which may render a larger provision than ten per cent. necessary will be taken into consideration.

LXXVII. The estimated provision for the landholders and their families, where the assessment may be fixed on the ascertained produce of their lands, is stated generally at ten per cent. on the *jumma* payable by them. But if, owing to any peculiar circumstances, a larger provision should be deemed necessary, particularly in *zemindarees*, or independent *talooks* yielding a small revenue, the Governor General in Council will take the same into consideration.

Points to be considered in carrying into execution the principles contained in Section 68.

LXXVIII. In carrying into execution the principles contained in section 68, it will be necessary to consider, whether the several charges noticed, have been heretofore defrayed by the actual proprietors of land, independent of their assessment, or by Government, with a view to determine whether a deduction is to be allowed from their future *jumma* to provide for them, or otherwise.

Cases in which a deduction is or is not to be allowed for the charges herein alluded to.

LXXIX. In cases where the charges alluded to in the preceding section have been defrayed by the actual proprietors of land, independently of their *jumma* to Government, they will not of course be entitled to any deduction on account of them; but where they have been heretofore paid by Government, the *jumma* must suffer a proportionate diminution, unless there be sufficient funds for the discharge of them in addition to the former *jumma*.

Rule respecting *moshaira*.

With respect to the *moshaira* in particular, it is to be observed, that where the lands have been let in farm, but are now left with the proprietor, the latter may be presumed to receive an equivalent for his former allowance in the profits of the farmer, which will revert to him.

Mofussil charges to be considered in calculating the assessment when the gross assets shall have been ascertained.

Statement required from the collectors.

LXXX. Where the *jumma* may be fixed on the ascertained gross assets, the *mofussil* charges of every denomination, whether *dehatee*, *purgunnatee*, or others, must further be considered in calculating the proper assessment; and the collectors are to transmit a statement of the estimated gross assets, with an adjustment of the revenue thereto, conformably to the above rules.

Every circumstance influencing the regulation of the *jumma* to be recorded.

LXXXI. Every circumstance, influencing the regulation of the *jumma*, is to be minutely recorded, to prevent any claims hereafter on the part of the proprietors or farmers for lowering the amount.

BEHAR SPECIAL ORDERS.

Principles to be observed in fixing the *jumma* to be paid by the proprietors.

LXXXII. The *jumma* which each actual proprietor of land is to pay, is to be fixed by the collector on fair and equitable principles, with the reserve of the approbation of the Board of Revenue, to whom he is to report the grounds of his decision on the *jumma*. If he should deem it eligible, he may call upon the actual proprietors of land to deliver in proposals for the settlement of their lands; but his judgment is, in the first instance, to determine the amount of the assessment.

Modes to be attended to in ascertaining the assets for the purpose of fixing the *jumma*.

General rule to be adopted in all practicable instances.

LXXXIII. The collectors, in fixing the *jumma*, are to attend to the modes which have hitherto prevailed in ascertaining the assets, and fixing the *jumma* between the proprietors of small estates, and the principal proprietor or farmer, adopting in all practicable instances, the following general rule: That the average product of the land in common years (assuming three or four for the calculation) be taken as the basis of the settlement, and from this, deductions be made equal to the *malikanah* and *khurcha*, leaving the remainder the *jumma* of Government. The Governor General in Council relies on the accuracy of the collectors in the application of this rule; and they are authorized, in the event of great uncertainty, to measure the lands. This uncertainty, however, is to be reported to the Board of Revenue; and the measurement is not to be undertaken, but on the clearest grounds of the necessity of it.

Measurement authorized in certain cases.

Exception to the above rules.

LXXXIV. From the above rules are to be excepted all lands heretofore paying revenue immediately to Government, which may have been held at a fixed *jumma* during the last twelve years; and the decennial settlement is to be concluded with the actual proprietors of such lands, at the *jumma* hitherto paid by them, subject to such deduction, as may be found equitable, on account of the *sayer*, resumed or abolished.

LXXXV. No abatement from the sudder *jumma* of 1196, is to be confirmed, without the special sanction of the Governor General in Council.

No abatement from the *sudder jumma* of 1196 to be confirmed without special sanction.

LXXXVI. The sudder *kistbundy* is to be so regulated, as to afford the proprietors of land all possible convenience in the discharge of their revenue, with due regard to the security of Government.

Principle to be observed in regulating the *sudder kistbundy*.

LXXXVII. The collectors are to proceed with due caution and information in the execution of these fundamental resolutions; and it is expected they will be able, when called upon, to furnish clear and satisfactory explanations of their proceedings, particularly on the amount of the assessment.

Collectors to proceed with caution in the execution of these rules, and are expected to be able to furnish clear explanations of their proceedings.

MIDNAPORE SPECIAL ORDERS.

LXXXVIII. The collector is authorized to make alterations in the *jumma* of 1196, when from good information, and his own experience, it may appear necessary to render the *jumma* of the respective *zemindars*, independent *talookdars*, and other actual proprietors of land, more equal and proportioned to the resources of their lands.

In what cases the collector is authorized to make alterations in the *jumma* of the past year.

LXXXIX In order to ascertain the necessity of granting any remissions upon the *jumma* of 1196, the collector is to examine the *wassilaut* and *akrajaut*, or the gross receipts and expenditures, comparing the one with the other, and checking the latter when exorbitant; and he is particularly to ascertain, to his full satisfaction, those instances in which the *zemindars*, independent *talookdars*, or other actual proprietors of land, have been under the necessity of selling their lands and effects to make good the amount of their stipulations.

Mode to be adopted to ascertain the necessity of granting remissions upon the last year's *jumma*.

XC. To obviate and correct, as far as possible, any unnecessary or studied delays in the *zemindars* and *talookdars* in giving the accounts required, he is authorized to impose a moderate fine upon such of them as may be guilty of delays or evasions; reporting the cases as they may occur to the Board of Revenue.

Fine may be imposed on proprietors guilty of delays in giving the accounts, which may be required in conformity to the preceding sections. These cases to be reported to the Board of Revenue.

XCI. In cases of great doubt and uncertainty, the collector is authorized to measure the lands, or make such *mofussil* investigations into the produce of them, as he may deem necessary for ascertaining the truth.

Measures authorized in cases of great doubt or uncertainty.

XCII. The collector is authorized, upon the grounds of the information obtained in the mode above pointed out, to grant remissions upon the *jumma* of 1196, the Governor General in Council expecting that no remission will be allowed but upon satisfactory explanations of the necessity of it; but the settlement is to be made, under an express reserve and limitation, that it be approved and confirmed by the Governor General in Council, and a declaration to this effect is to be made to the proprietors.

Collector may grant remissions upon the *jumma* of the last year, but the settlement to be made subject to the confirmation of the Governor General in Council.

XCIII. The estimated allowance for casual deficiency upon the gross *jumma* is to be reduced from rupees 1,30,477, to the sum of rupees 50,546, which is three per cent. upon the gross *jumma* of 16,84,868. 5. 1, after deducting from it the article of *batta*.

Estimated allowance for casual deficiency to be reduced, and in what proportion.

XCIV. The allowance for religious expenditures, being enormous, shall also be reduced. The Governor General in Council does not mean to prescribe the exact amount of the reduction, but conceives that the sum now allowed, will admit of a diminution of at least 35,000 rupees. The collector, in fixing the assessment, is to regulate the estimate of the amount of it by this consideration. These charges being highest in the *purgunnahs* of Cossejurah, Shahpore, Midnapore, and Mynachoura, the reduction ought to be greatest in them.

Allowance for religious expenditures to be reduced, and rules for this reduction.

XCV. The charges of purchasing provisions for the battalion when in the town of Midnapore, and of firewood and grass, when travelling, if such have been actually incurred by the proprietors of land, are to be discontinued, and no such charge shall be incurred by them in future.

Charges for purchasing provisions, &c. for the battalion, to be discontinued.

XCVI. The settlement is to be made, as far as possible, in one neat sum, free from any charges of *moshaira*, *zemindaree amlah*, *poolbundy*, *cutcherry*, or other charges of a similar nature; it being intended that all charges incidental to the receipt of the rents of the lands,

Settlement to be made, as far as possible, in one neat sum, free of all charges of the nature herein specified.

lands, independent of the allowances of the officers of Government, and expences attending the collection of the public revenue, shall be defrayed by the proprietors from the produce of their lands..

Established *zemindaree* charges are to be paid by collectors, except in certain cases.

XCVII. With respect to any of the existing established *zemindaree* charges, such as pensions, charitable allowances, or others, which it may be thought proper to continue, they are to be paid by the collectors, and the proprietors are to have no concern in them, unless for special reasons of convenience, it should be deemed more expedient, in any instance, to intrust the landholders with the disbursement of them.

Cases in which a *russud* may be allowed, and for what period.

XCVIII. Any occasional diminution of the *jumma*, which it may be necessary to allow on account of casualties of season, is to be restored by a *russud*, or progressive increase; but no *russud* shall be established to extend beyond the third year of the settlement, except in the separated *talooks* and other petty *mehals*, in which the Board of Revenue may allow a further extension of the *russud*, if it shall appear to them expedient.

Every circumstance influencing the regulation of the *jumma* to be recorded.

XCIX. Every circumstance, influencing the regulation of the *jumma*, must be minutely recorded, to prevent any claims hereafter on the part of the proprietors for lowering the amount of it.

SALT DISTRICTS SPECIAL ORDERS.

In what respects the above regulations are not to be considered applicable to such of the salt districts as have been held *khas*.

C. The rules contained in the preceding sections of this regulation, as far as they relate to the term of the settlement, and the formation of it with the actual proprietors of land, are not to be considered as applicable to such of the salt districts as have been held *khas* in the past years, to facilitate the conduct of the business of the salt manufacture. These are to continue *khas* as heretofore, and the assessment of them is to be from year to year as hitherto, until the Governor General in Council shall think it proper to pass a regulation to the contrary.

Pottahs, however, have been ordered to be prepared and delivered to the *ryots*, conformably to the rules prescribed for Midnapore.

CI. The collectors of the revenue in the districts alluded to in the preceding section, have been ordered to prepare and deliver *pottahs* to the *ryots*, conformably to the rules prescribed in this regulation, and within the period limited for the delivery of them in Midnapore.

A. D. 1793. REGULATION IX.

A REGULATION *for re-enacting with Alterations and Modifications, the Regulations passed by the Governor General in Council, on the 3d December 1790, and subsequent dates, for the Apprehension and Trial of Persons charged with Crimes or Misdemeanors.*—PASSED *by the Governor General in Council, on the 1st May 1793; corresponding with the 21st Bysaak 1200 Bengal era; the 6th Bysaak 1200 Fussily; the 21st Bysaak 1200 Willaity; the 6th Bysaak 1850 Sumbut; and the 19th Ramzaan 1207 Higeree.*

Preamble.

PURSUANT to the regulations passed by the President and Council on the 21st August 1772, criminal courts, denominated *foujdaree adawluts*, were established in the interior parts of the provinces for the trial of persons charged with crimes or misdemeanors; and the collectors of the revenue, who were covenanted servants of the Company, were directed to superintend the proceedings of the officers of those courts, and on trials, to see that the necessary witnesses were summoned and examined; that due weight was allowed to their testimony; and that the decisions passed were fair and impartial. By the same regulations, a separate and superior criminal court was established at Moorshedabad, under the denomination of the Nizamut Adawlut, for revising the proceedings of the provincial criminal courts in capital cases, and the committee of revenue at Moorshedabad was vested with a control over this court, similar to that which the collectors of the revenue were empowered to exercise over the provincial courts. Upon the abolition of the committee of revenue at Moorshedabad, the Nizamut Adawlut was removed to Calcutta, and placed under the charge of a *darogah* or superintendent, subject to the control of the president of the council, who revised the sentences of the criminal courts in capital cases. The above arrangements continued in force, without any considerable alteration, until the 18th October 1775, when the entire control over the department of criminal justice was committed to the *naib nazim*. The Nizamut Adawlut was in consequence re-established at Moorshedabad, and the *naib nazim* appointed native officers, denominated *foujdars*, assisted by persons versed in the Mahomedan law, to superintend the criminal courts in the several districts, and to apprehend and bring to trial offenders against the public peace. This system was adhered to, without any material variation, until the 6th April 1781, when the institution of *foujdars* not having answered the intended purposes, the general establishments both of *foujdars*, and the *thanadars* or police officers acting under them, were abolished. *Foujdaree* courts however were continued in the several divisions, subject as before to the control of the *naib nazim* as superintendent of the Nizamut Adawlut, and the English judges of the courts of *dewanny adawlut* were appointed magistrates, with a power to apprehend *dacoits* and persons charged with crimes or misdemeanors within their respective jurisdictions, and commit them to the nearest *foujdaree* court for trial. With a view to enable Government to superintend in some degree the administration of justice in criminal cases, a separate department was at the same time established at the presidency, under the control of the Governor General, to receive monthly returns of the sentences passed in the *foujdaree* courts, and for the assistance of the Governor General in this duty, a covenanted civil servant of the Company was appointed, with the official

official appellation of Remembrancer to the criminal courts. From the inefficacy, however, of the authority of the English magistrates over the *zemindars* and other landholders, the administration of justice in criminal cases was much impeded, whilst the regulation which vested the magistrates with the power of apprehending offenders, but without permitting them to interfere in any respect in the trials, gave rise to a new evil. The magistrates being obliged to deliver over to the *darogahs*, or superintendents of the *foujdaree* courts, all persons charged with a breach of the peace however trivial, and a considerable time often elapsing before they were brought to trial, many of the lowest and most indigent classes of the people were frequently detained for a long period in prison, where their sufferings often exceeded the degree of their criminality. The magistrates, therefore, on the 27th June 1787, were vested with authority to hear and decide on complaints of petty affrays, abusive names, and other slight offences, and, under certain restrictions, to inflict corporal punishment, and impose fines on the offenders. But the numerous robberies, murders, and other enormities, which continued to be daily committed throughout the country, evincing that the administration of criminal justice was still in a very defective state, and as these evils appeared to result principally from the great delay which occurred in bringing offenders to punishment, and to the law not being duly enforced, as well as to other material defects in the constitution of the criminal courts; and as it was essential for the prevention of crimes, not only that offenders should be deprived of the means of eluding the pursuit of the officers of justice, but that they should be speedily and impartially tried when apprehended, the Governor General in Council passed certain regulations on the 3d December 1790, establishing courts of circuit under the superintendence of English judges, assisted by natives versed in the Mahommedan law, for trying in the first instance, persons charged with crimes or misdemeanors, and enabling the Governor General, and the members of the Supreme Council, to sit in the Nizamut Adawlut, (which was for that purpose again removed to Calcutta,) and superintend the administration of criminal justice throughout the provinces. Those regulations, with the subsequent amendments, are now re-enacted, with further alterations and modifications.

Judges of the *zillah* and city courts of *dewanny adawlut*, to be magistrates in their respective jurisdictions.

II. The judges of the *dewanny adawlut* of the several *zillahs*, and of the cities of Patna, Dacca, and Moorshedabad, shall hold the office of magistrate of the *zillah*, or city, under their respective jurisdictions. Previous to entering upon the execution of the duties of the office, they shall take and subscribe the following oath before the Governor General in Council, or any person whom he may commission to administer it.

Oath of the magistrates.

"I A. B. appointed magistrate of the *zillah* (or city) of ———, solemnly swear, that I will to the best of my ability, preserve the peace of the *zillah* (or city) over which my authority extends; that I will act with impartiality and integrity, and will not exact, or receive, nor knowingly allow any other person to exact, or receive, directly or indirectly, any fee, reward, or emolument whatsoever, in the execution of, or on account of any matter relating to, the duties of my office, excepting such as the orders of the Governor General in Council do or may expressly authorize; and that I will perform the duties of my office, according to the best of my knowledge, abilities, and judgment, conformably to the regulations that have been, or may be passed, by the Governor General in Council. So HELP ME GOD."

Special jurisdiction of the magistrates of the several *zillahs* and cities.

III. The special jurisdiction of the magistrates of the cities of Patna, Dacca, and Moorshedabad, is to extend throughout those cities respectively, and the places adjacent, that now are, or may be, subjected to their immediate authority. The special jurisdiction of the magistrates of the several *zillahs*, is to extend throughout the districts included in the *zillahs* in which they are respectively stationed. Provided however, that the special jurisdiction of the magistrates of the *zillahs* of Behar proper, Dacca Jelalpore, and Moorshedabad, be not held to extend to the cities of Patna, Dacca, or Moorshedabad, nor to any places adjacent thereto, which now are, or may be, included in the special jurisdiction of the magistrates of those cities; and that the magistrate of the Twenty-four *Purgunnahs* be not considered to have any jurisdiction or authority whatever in the town of Calcutta, or any places adjacent within the limits of the jurisdiction of the Supreme Court of judicature.

Magistrate to apprehend all robbers and other persons charged with crimes or misdemeanors.

IV. It shall be the duty of the magistrate to apprehend murderers, robbers, thieves, house-breakers, all disturbers of the peace, and persons charged before him with crimes or misdemeanors.

V. Upon a complaint in writing being preferred to the magistrate against any person for murder, robbery, or any crime, or misdemeanor, the magistrate, upon the party complaining making oath to the truth of the complaint, shall issue a warrant under his seal and signature, for the apprehension of the person complained against, in which shall be specified the crime or misdemeanor with which he may have been charged.* Upon the prisoner being brought before the magistrate, he shall enquire into the circumstances of the charge, and examine the prisoner, and the complainant, and also such other persons as are stated to have any knowledge of the crime or misdemeanor alleged against the prisoner, and commit their respective depositions to writing. The complainant, and the witnesses, shall be examined upon oath, but the prisoner shall not be required to swear to the truth of his deposition. After this inquiry, if it shall appear to the magistrate that the crime or misdemeanor charged against the prisoner was never committed, or that there is no ground to suspect him to have been concerned in the committing of it, the magistrate shall cause him to be forthwith discharged, recording his reasons for releasing him, and submitting them to the court of circuit, with the calendar ordered to be prepared in Section 17. On the contrary, if it shall appear to the magistrate that the crime or misdemeanor was actually committed, and that there are grounds for suspecting the prisoner to have been concerned in the perpetration of it, the magistrate shall cause him to be committed to prison, or held to bail, (according as the offence may be bailable, or not,) to take his trial at the next session of the court of circuit, and shall bind over the complainant to appear and carry on the prosecution, and the witnesses to attend and give their evidence. All bail bonds for prisoners released upon bail, and the recognizances required to be taken from prosecutors, and witnesses, shall be for a specific sum, the amount of which shall be determined by the magistrate, upon a due consideration of the case, and the circumstances and situation in life of the parties, and shall contain a clause declaring the amount forfeited to Government, in the event of the condition of it not being performed.

Magistrate to apprehend offenders upon complaints being preferred in writing, and the prosecutor swearing to the charge. What the warrant is to contain.

Prisoner to be examined, but not upon oath, and his deposition to be committed to writing. Prosecutor and his witnesses to the charge to be examined upon oath, and their depositions to be committed to writing. Magistrate to discharge the prisoner, if after enquiry there shall not appear to him sufficient grounds for commitment, recording his reasons for so doing, and submitting them to the judges at the next assizes.

Magistrate to commit the prisoner, or to hold him to bail to take his trial, if there shall appear to him sufficient grounds for so doing.

All bail bonds and recognizances, to be for specific sums, to be forfeited upon non-performance of the conditions.

Rule for determining the amount of such sums.

VI. The magistrates, upon receiving any charge, are to be careful to ascertain from the complainant, and to record upon their proceedings, on what day of the month, in what year, and at what time of the day or night, the act complained of was committed. And when a prisoner confesses before them, the crime or misdemeanor with which he may have been accused, or confirms any former confession that he may have made of his having committed such crime or misdemeanor, the magistrates are to be careful to have such confession, or confirmation of a former confession, witnessed by as many of their officers, or other creditable persons who may be present at the time it may be made, as the Mahommedan law requires to give it validity, and to cause such witnesses to be in attendance at the next sessions of the court of circuit. But the magistrates are strictly enjoined to satisfy themselves, that all confessions made by prisoners are free and voluntary, and notwithstanding such confessions, they are invariably to summon, and bind over to attend at the next sessions, the witnesses to the commission of the crime or misdemeanor alleged against the prisoner, that they may be examined before the court of circuit, in the same manner as if the prisoner had denied the charge. The magistrates are further required to take special care, that persons upon being apprehended, are not made to suffer corporal punishment, or otherwise ill treated, under the pretence of compelling them to answer truly to questions that may be put to them, or under any other pretext whatever.

Points to be attended to by the magistrates in their inquiries into charges preferred to them. To ascertain and record the date, and year, in which the alleged crime was committed, and the time of the day, or night. Prisoner's confessions or confirmations of former confessions, to be attested by the number of witnesses the Mahommedan law requires to render them valid. To have such witnesses in attendance at the next sessions. To be careful that the confessions of prisoners, or their confirmations of former confessions, are free and voluntary.

Notwithstanding such confessions, to bind over all witnesses to the alledged crime to appear at the next sessions. To take special care that prisoners suffer no ill-treatment after apprehension, to compel them to speak the truth, or for other purpose.

VII. Persons accused of murder, robbery, house-breaking, theft, or counterfeiting of the coin, provided there shall appear sufficient grounds for committing them for trial, shall not be admitted to bail.

Crimes which are not bailable.

VIII. The magistrates are empowered to hear and determine, without any reference to the courts of circuit, all complaints or prosecutions brought before them, for petty offences, such as abusive language, calumny, inconsiderable assaults, or affrays, and to punish the offender, when convicted, by committing him to prison for a term not exceeding fifteen days, or by imposing a fine upon him; but the fine is in no case to exceed the sum of fifty sicca rupees, unless the offender be a *zemindar*, independent *talookdar*, or other actual proprietor of land, paying an annual revenue to Government of more than ten thousand sicca rupees, or a proprietor of *ayma* land, paying a quit revenue to Government exceeding five hundred

Misdemeanors which the magistrates are authorized to try, and the punishment which they are empowered to inflict for such offences.

* This sentence is rescinded by Section 2, Regulation IX. 1807.

sicca rupees per annum, or of *lakheraje* land, the annual produce of which may be above one thousand sicca rupees, in which cases, such offender shall be liable to a fine not exceeding two hundred sicca rupees. The magistrate is to fix the amount of the fine, under the limitations prescribed, upon a due consideration of the nature of the case, and the situation and circumstances in life of the offender.

Crimes which the magistrates are also authorized to try under the restrictions herein specified, and the punishment which they are empowered to inflict for such crimes.

IX. The magistrates are authorized to hear and determine, without any reference to the courts of circuit, all complaints or prosecutions brought before them for petty thefts, when they shall not have been attended with any aggravating circumstances, or committed by persons of notorious bad characters, and to inflict upon the offenders corporal punishment, not exceeding thirty rattans, or commit them to prison for a term not longer than one month, according as they may think proper, upon a consideration of the circumstances of the case.

Punishment to be inflicted on the complainants in the cases specified in Sections 8 and 9, whose complaints are proved to be litigious, vexatious, or groundless.

X. Where the complaints specified in Sections 8 and 9, shall appear to the magistrate to be litigious, vexatious, or groundless, he is authorized to punish the complainant, by fine or imprisonment, under the limitations and restrictions prescribed for the punishment of the offences specified in Section 8.

Notice that the magistrates are to give of the time by which the judges of circuit expect to arrive at their stations.

XI. The magistrates, upon receiving notice from the judges of the courts of circuit of the time by which they expect to arrive at their respective stations, shall cause public notice of it to be given, by a written publication, requiring all persons discharged upon bail, and all prosecutors and witnesses who may have been bound over to appear, to attend by the date fixed for the arrival of the court of circuit, under the penalty of forfeiting their recognizances, in the event of their not attending. The magistrates shall send a copy of this publication to the *cauzee* of each *purgunnah*, and cause a copy of it to be fixed up in some public place in the principal town or village in each *purgunnah* in their respective *zillahs*.

Magistrates to be careful to cause the witnesses on the part of persons committed or held to bail to take their trial, to be in attendance by the time of the arrival of the court of circuit.

XII. The magistrates, previous to the arrival of the courts of circuit at their respective stations, shall ascertain from the persons committed or held to bail to take their trial, the names and places of abode of any witness or witnesses they may wish to have examined in their defence, and shall issue the customary process to cause such witnesses to attend at the time fixed for the trial of the persons in whose behalf they may be summoned.

Form of the calendar of the prisoners committed or held to bail to take their trial, to be submitted by the magistrates to the courts of circuit, upon their arrival at their respective stations.

XIII. The magistrates are to have in readiness to deliver to the judges of the courts of circuit, upon their arrival at their respective places of residence, a calendar in the English and Persian languages, according to the following form.

CALENDAR of the prisoners committed, or held to bail, by the magistrate of the *zillah* of ————, to take their trial before the court of circuit for the division of ————.

No.	Names of the parties.	Abstract of the charges, and date on which they were preferred.	Date of the apprehension of the offenders.	Names of the prosecutor's witnesses.	Abstract of the examination, grounds, and date, of commitment for trial.	Names of prisoners held to bail.	Names of the witnesses on the part of the prisoners.
1.	Nety Paramanick prosecutor, *vrs.* Neetoo and Dammoo prisoners.	For the murder of Nemy the prosecutor's son. 15th February 1791.	21st Feb. 1791.	Heroo. Behadur. Rommoo.	Neetoo and Dammoo plead not guilty. Committed for trial on 25th Feb. 1791, on the grounds of the depositions of the witnesses.	Neetoo.	Seedoo and Jaggernaut.

A similar calendar is to be submitted to the courts of circuit, by the magistrates of the cities of Patna, Dacca, and Moorshedabad, and by the magistrates of the *zillahs* of the Twenty-four Purgunnahs, Moorshedabad, and Dacca Jelalpore, at every jail delivery that may take place at their respective stations. The magistrates above mentioned, are to observe carefully the rules contained in section 12, at each jail delivery, and the magistrates of the three cities, are to cause the publication prescribed in section 11, to be fixed up in due time, previous to the commencement of each session, in the office of the *cutwal*, and of the *darogah* of each ward.

XIV. The calendar is to be accompanied with the magistrate's proceedings on each charge, which shall contain the following vouchers, or as many of them as from the nature and circumstances of the case, may be requisite and procurable, with such other papers and documents as the magistrate may have in his possession, or judge necessary to be obtained for the information of the court of circuit.

Documents which are to accompany the calendar

An attested copy of the complaint or charge.

An attested copy of the plaintiff's oath to the truth of the charge, in which is to be inserted, in cases of robbery and theft, the inventory of the money or property stolen or plundered, with the amount, or computed value, of it.

The prosecutor's recognizance to appear and prosecute to the charge.

A copy of the warrant prescribed in section 5, for the apprehension of the offenders, or, in case the charge should have been preferred in the first instance to any of the *darogahs* of the police jurisdictions or wards, a copy of such *darogah's* proceedings.

The name or names of the person or persons apprehended.

The examination of the person or persons apprehended.

The further examination of the prosecutor on oath, in cases where any such examination may have been taken.

A list of the witnesses summoned by the desire of the prosecutor, particularizing the names of such as may be in attendance, and those who are absent, with the cause of the non-attendance of the latter.

The recognizances of the prosecutor's witnesses.

The depositions of the witnesses who may have been in attendance.

The names of the witnesses who may have been summoned at the requisition of the prisoner, specifying those who are in attendance, and such as are absent, and the cause of the non-attendance of the latter.

XV. All examinations taken before the magistrate, are to be written on separate papers, signed by the deponents, attested by the signature of the magistrate, and arranged according to their respective dates.

Rules respecting examinations taken before the magistrate.

XVI. All examinations and depositions, are to be taken and written in the language in which the deponents are most conversant; and the magistrates shall accompany all papers written in the Bengal language, with a translation in the Persian language, which translation is to be compared with the original by the officers of the court of circuit.

Depositions to be taken, and written, in the language in which the deponent is most conversant. Bengal papers to be accompanied by a Persian translate, which is to be compared with the original by the officers of the court of circuit.

XVII. The magistrates are to lay before the courts of circuit, upon their arrival at their respective places of residence, two separate calendars. The first, containing a list of all persons whom they may have apprehended and discharged for want of sufficient evidence to warrant the committing them to prison, or holding them to bail, to take their trial for the crime or misdemeanor charged against them, and accompanied with their reasons for having released them as prescribed in section 5. The second, comprizing a list of the persons whom they may have apprehended for crimes or misdemeanors cognizable by them, the crime or misdemeanor with which the prisoners may have been charged, and the sentence passed upon them. Similar calendars are to be submitted to the courts of circuit by the magistrates of the cities of Patna, Dacca, and Moorshedabad, and the *zillahs* of the Twenty-four Purgunnahs, Moorshedabad, and Dacca Jelalpore, at every jail delivery that may take place at their respective stations. These calendars are to be accompanied with all the original papers and proceedings in each case, and if the court of circuit shall be of opinion that any of the persons mentioned in the first calendar have been discharged, or the persons specified in the second calendar released or punished, upon insufficient grounds, they are to report the circumstances, with their opinion on the case, to the Nizamut Adawlut.

Two further calendars to be submitted by the magistrates to the courts of circuit, viz. First, calendar of the prisoners discharged for want of sufficient evidence for committing them for trial, with their reasons for having released them, Second, calendar of persons apprehended by them for crimes or misdemeanors on which they are empowered to decide. What papers and proceedings are to accompany these calendars. Courts of circuit to report to the Nizamut Adawlut every instance in which the prisoners in the first calendar have been discharged, or the prisoners in the second released or punished, upon insufficient grounds.

XVIII. If the magistrate shall commit any *zemindar*, independent *talookdar*, or other actual proprietor of land, to be tried before the court of circuit, he is to notify the commitment to the collector of the *zillah*, that if necessary, he may take measures to prevent any delay in the payment of the public revenue assessed upon the lands of the offender.

Magistrates to notify the commitment of proprietors of land to the collector of the *zillah*.

XIX. In the event of any act being committed by a European British subject, which may render him an object of a criminal prosecution in the Supreme Court of Judicature,*

How European British subjects, charged with crimes

* Rescinded by Section 1. Regulation II. 1796.

to

or offences, committed out of the jurisdiction of the Supreme Court of Judicature, are to be dealt with.

to which court alone European British subjects are amenable in such cases; the magistrate, upon information of the act being lodged before him upon oath, is to apprehend such British subject, and to make inquiry into the circumstances of the charge without delay. After such inquiry, if he shall be satisfied in his own mind that there are sufficient grounds for committing such British subject for trial, he is immediately to convey him under safe custody to one of the judges of the Supreme Court of Judicature, and to report the circumstances of the case for the information of the Nizamut Adawlut. He is likewise to bind over the complainant to repair to Calcutta before the session next ensuing to prosecute, and to take security from the witnesses for their appearance at the trial. In case of the inability of the prosecutor, or the witnesses, to defray the charge of the journey, the magistrate is to state to the Nizamut Adawlut what pecuniary assistance he would recommend being granted to them. All Europeans not British subjects are amenable, equally with the natives, to the authority of the magistrate, and to the courts of circuit for trial before which they may be committed.

Security to be taken from the complainant and witnesses in the above cases to appear before the Supreme Court, and pecuniary assistance to be afforded them if necessary.

All Europeans not British subjects amenable to the criminal courts equally with the natives.

Magistrates how often to visit the jail. To redress all well founded complaints of the prisoners against the officers who have the charge of the jail. To attend particularly to the health and cleanliness of the prisoners.

XX. The magistrate is to visit the jail at least once in every month, and redress all well founded complaints of ill treatment which may be preferred to him by the prisoners against the jailer, or any officers having charge of them. He is to be particularly attentive to the health and cleanliness of the prisoners, and to see that the surgeon of the station attends and administers to the sick.

Descriptions of prisoners ordered to be confined in separate apartments.

XXI. Separate apartments in the jail, are to be allotted for the following descriptions of prisoners.

Prisoners under sentence of death.

Prisoners sentenced to confinement by the court of circuit or the Nizamut Adawlut.

Prisoners committed to take their trial before the court of circuit.

Prisoners sentenced to confinement by the magistrate, for petty crimes or misdemeanors cognizable by him.

Further descriptions of prisoners to be confined in separate apartments.

Female to be kept separate from male prisoners in all cases.

And as the crimes proved or alleged against the second or third descriptions of prisoners, must be of different degrees of atrocity, the magistrates are required to separate those who have been found guilty or accused of heinous crimes, from such as have been convicted of or charged with crimes of less magnitude. They are likewise to separate the male from the female prisoners, so as to prevent them having any communication with each other; and the rules prescribed in this section for keeping apart the several descriptions of the former, are to be considered applicable also to the latter. The magistrates are further enjoined to endeavour to prevent drunkenness, gaming, and other immoralities, being practised in the jails.

Pecuniary compensations ordered by the court of circuit, to be levied by the magistrate in his capacity of civil judge, by the process prescribed for enforcing decrees of the dewanny adawlut.

XXII. Where the sentence of the court of circuit directs a pecuniary compensation to be made to the party injured, the magistrate, in his capacity of civil judge, is to cause the sentence to be carried into execution, according to the rules, and by the process, prescribed for enforcing his decisions in the court of* dewanny adawlut.

Charges, and the orders passed upon them by the magistrate, to be recorded in English, and in the Persian or Bengal language.

XXIII. All complaints or charges, with the orders upon them, are to be recorded in the office of the magistrate in English, and in the Persian or Bengal language.

A reward of ten rupees to be paid for every dacoit apprehended and convicted.

XXIV†. The magistrates are to give a reward of ten sicca rupees, for every dacoit that may be apprehended and delivered into their custody, to be paid upon the conviction of the offender.

Magistrates to pay to persons released after a confinement of six months or upwards, a sum sufficient for a month's subsistence if they stand in need of it; but it is in no case to exceed five rupees.

XXV. The magistrates are to pay to all persons who may be released from jail, after an imprisonment of six months or upwards, calculating from the date of their sentence, and who shall appear to be in actual need of such assistance, a sum sufficient to maintain them for one month. The sum to be paid to each individual is to be regulated by his situation in life, but it is in no case to exceed five rupees, and in every instance is to be confined as much within that amount as may be consistent with the purpose for which the allowance is granted.

Magistrates to pay to prosecutors and witnesses two annas per day each, if they stand in need of it, during their attendance on the

XXVI. The magistrates are to pay to all prosecutors and witnesses who may appear to be actually in need of such assistance, a daily allowance of two annas each, during their attendance on the court of circuit, and the same allowance for as many days as in their opinion

* Rescinded by Sect. 6, Regulation XIV. 1797.

† Rescinded by Sect. 13, Regulation XVI. 1810.

may be sufficient for such prosecutors and witnesses to come from, and return to, their respective homes.

court of circuit, and for as many days as may be necessary for them to come from, and return to, their respective homes.

XXVII. The magistrates are to pay the customary daily subsistence money to all prisoners, from the time of their apprehension to the date of their discharge.

Magistrates to pay the customary diet money to prisoners from the time of their apprehension, to the date of their discharge.

XXVIII. The magistrates are to transmit to the register to the Nizamut Adawlut, the undermentioned monthly report, drawn out according to the English months, and in the following form. The report for each month is to be dispatched from the several stations, so as to arrive at Calcutta by the 20th of the ensuing month.

Magistrates to transmit the following monthly report, so as to arrive in Calcutta by the 20th of the ensuing month.

Report of persons apprehended in the zillah (or city) of ———————— in the month of ————.

No.	Name.	Abstract of the crime or charge.	Date of apprehension.	Punished, and in what manner.	Released, or if allowed a fine.	Committed, and the date of commitment.	Before what court of circuit to be tried.
1	Mahomed.	For assaulting and beating Khosaul.	1st Jan. 1791.	15 Rattans.			
2	Sakoor.	For assaulting Beechoo.	2d Jan. 1791.		Allowed ten Rs. the complaint being groundless.		
3	Jeetoo.	For the murder of Khosaul.	3d Jan. 1791.			Committed 6th January, 1791.	Division of ———

Abstract. Punished, ... 1
Released, ... 1
Committed, ... 1
Total..... 3

XXIX. As it may sometimes happen, that just before the close of the month, a greater number of persons charged with crimes may be brought before the magistrates than they are able to examine, and proceed with, as prescribed, previous to the expiration of it; the magistrates in such cases, (the occurrence of which, however, it is expected they will use their utmost exertions to prevent,) are to insert the names of all persons in that predicament in the above report of persons apprehended, in an additional column under the head of "not examined."

Prisoners apprehended and not examined, to be inserted in the above report in an additional column under the head of "not examined."

Magistrates to endeavour to prevent the occurrence of the case herein provided for.

XXX. The magistrates are to transmit to the register to the Nizamut Adawlut, the undermentioned monthly reports, drawn out according to the English months, and in the following forms. The reports for each month are to be dispatched from the several stations, so as to arrive at Calcutta by the 20th of the ensuing month.

Magistrates to transmit the undermentioned monthly reports, so as to arrive in Calcutta by the 20th of the ensuing month.

Report of casualties, and of prisoners released, in the zillah (or city) of ———— in the month of ————.

No.	Name.	Crime.	Removal, and to what place, and when.	Natural death, and when.	Escaped, and when.	Released, and when.
1	Mahomed.	Murder.		20 May 1791.		
2	Maussoom.	Theft.			21 May 1791.	
3	Sukoor.	House-breaking.	To Boglipore, 22 May 1791.			
4	Jetoo.	Assault.				4 May 1793.

Report of prisoners on whom sentence has been passed by the court of circuit for the division of ———— in the month of ———— without reference to the Nizamut Adawlut.

No.	Name.	Date of Commitment.	Crime.	Date of the Trial.	Sentence.	Sentence when passed.	When enforced.
1	Mahomed.	1 Jan. 1791.	Theft.	1 May 1791.	10 Rattans.	2 May 1791.	3 May 1791.
2	Harroo.	2 Jan. 1791.	Housebreaking.	2 May 1791.	Imprisonment for one year.	3 May 1791.	4 May 1791.
3	Buxoo.	3 Jan. 1791.	Beating Mogoa.	3 May 1791.	To pay the Pros. 5 Rs. & be released.	4 May 1791.	5 May 1791.
4	Amanullah.	4 Jan. 1791.	Theft.	4 May 1791.	To be released.	5 May 1791.	6 May 1791.

Abstract. Punished with stripes, ... 1
Imprisoned, ... 1
Fined, ... 1
Released, ... 1

Total..... 4

Report of prisoners tried, and whose causes have been referred to the Nizamut Adawlut, in the present and former months, and on whom the sentence of that court has not been received.

No.	Name.	Date of Commitment.	Crime.	Date of the Trial.	When referred.
1	Dulal.	1 Dec. 1790.	Murder.	1 Jan. 1791.	2 Jan. 1791.
2	Shuboo.	2 April 1791.	Dacoiting.	2 May 1791.	3 May 1791.

Abstract. Referred in former months, ... 1
Referred in the present month, ... 1

Total..... 2

Report

Report of the sentences of the Nizamut Adawlut received in the present month, upon references made in the current and former months.

No.	Name.	Date of Commitment.	Crime.	Date of Reference.	Sentence.	Sentence when passed.	When enforced.
1.	Mahomed.	1 Jan. 1791.	Murder.	2 April 1791.	Death.	15 May 1791.	26 May 1791.
2.	Dulal.	2 Jan. 1791.	Dacoiting.	3 May 1791.	Imprisonment for life.	16 May 1791.	27 May 1791.
3.	Namdar.	3 Jan. 1791.	Burglary.	4 May 1791.	Imprisonment for ten years.	17 May 1791.	28 May 1791.
4.	Sukoor.	4 Jan. 1791.	Manslaughter.	5 May 1791.	To be confined 5 years.	18 May 1791.	29 May 1791.
5.	Maussoom.	5 Jan. 1791.	Robbery.	6 May 1791.	39 stripes with the *corah*.	19 May 1791.	30 May 1791.
6.	Jowdie.	6 Jan. 1791.	Theft.	7 May 1791.	To be released.	20 May 1791.	31 May 1791.

Abstract.

Death,	1
Imprisonment for life,	1
Temporary imprisonment,	1
Stripes,	1
To pay the *deeut*,	1
Released,	1
Total	6

Report of prisoners under the charge of the magistrate to be tried.

No.	Name.	Crime.	Date of Commitment.	Trial commenced and when.	Trial not commenced.	At large upon bail.	In jail.
1.	Mahomed.	Theft.	1 May 1791.	Commenced 30 May 1791.			In jail.
2.	Sukoor.	Housebreaking.	2 May 1791.		Not commenced.	At large upon bail.	

Abstract.

In confinement,	1
At large upon bail,	1
Total	2

Magistrates to transmit two half yearly reports.

The following report of prisoners confined under sentence, is to be transmitted to the Nizamut Adawlut, by the magistrates of the *zillahs*, and the cities of Patna, Dacca, and Moorshedabad, twice in each year. The magistrates of the *zillahs* (excepting the magistrates of the Twenty-four Purgunnahs, Moorshedabad, and Dacca Jelalpore,) are to forward the report within twenty days after the judges have finished the business of the circuit at their respective stations. The magistrates of the cities of Patna, Dacca, and Moorshedabad, and the *zillahs* of the Twenty-four Purgunnahs, Moorshedabad, and Dacca Jelalpore, are to forward the report within twenty days after the completion of the first jail delivery that may take place at their respective stations, upon the return of the judges from the circuit of the *zillahs*.

Report of prisoners confined under sentence to the ———— of ————.

No.	Name.	Imprisonment for life.	Temporary imprisonment.	Date of Commitment.	Sentence when passed.
1.	Mahomed.	I. L.		1 Oct. 1790.	1 Jan. 1791.
2.	Maussoom.		6 months.	2 Oct. 1790.	2 Jan. 1791.

Abstract. Imprisonment for life, ... 1
Temporary imprisonment, ... 1
Total..... 2

Four courts of circuit for the trial of crimes and misdemeanors. Their denominations.

XXXI. For the trial of persons charged with crimes or misdemeanors, there shall continue four courts of circuit, to be denominated as heretofore, the courts of circuit for the divisions of Patna, Dacca, Moorshedabad, and Calcutta.

Jurisdiction of the court for each division.

XXXII. The jurisdiction of the courts shall extend over the cities and *zillahs* hereafter specified.

Patna,

Jurisdiction of the court of circuit for the division of Patna.

The city of Patna, and the *zillahs* of Ramgur, Behar proper, Tirhoot, Sarun, and Shahabad.

Dacca,

Jurisdiction of the court of circuit for the division of Dacca.

The city of Dacca, the *zillahs* of Sylhet, Mymensing, Dacca Jelalpore, Tipperah, and Chittagong.

Moorshedabad,

Jurisdiction of the court of circuit for the division of Moorshedabad.

The city of Moorshedabad, and the *zillahs* of Moorshedabad, Boglepore, Rajeshahy, Purneah, Dinagepore, Rungpore, and the districts under the superintendence of the commissioner of Cooch Behar, which are not included in the independent territories of the Raja of Cooch Behar.

and Calcutta.

Jurisdiction of the court of circuit for the division of Calcutta.

The *zillahs* of Nuddea, Beerbhoom, Burdwan, Midnapore, the salt districts, Jessore, the Twenty-four Purgunnahs, and such of the districts under the collector of the town of Calcutta, as are not within the jurisdiction of the Supreme Court of Judicature.

Judges of the provincial courts of appeal to be judges of circuit.

XXXIII. The judges of the provincial courts of appeal, are to be judges of the courts of circuit in their respective divisions.

Oath to be taken and subscribed by the judges of circuit.

XXXIV. The judges of the courts of circuit, previous to entering upon the execution of the duties of their office, are to take and subscribe the following oath before the Governor General in Council, or such person as he may commission to administer it.

"I A. B. solemnly swear, that I will truly and faithfully execute the duties of judge of the court of circuit for the division of ————, that I will administer justice according to the regulations that have been or may be enacted by the Governor General in Council, to the best of my ability, knowledge, and judgment, without fear, favour, promise, or hope of reward; and that I will not receive, directly or indirectly, any present or *nuzzer*, either in money or in effects of any kind, from any party, in any suit or prosecution, or from any person whomsoever, on account of any suit or prosecution to be instituted, or which may be depending, or have been decided, in the ~~court of circuit~~ Cadi of which I am ~~judge~~; nor will I knowingly permit any person or persons under my authority, or in my immediate service, to receive, directly or indirectly, any present or *nuzzer*, either in money or in effects of any kind, from any party in any suit or prosecution, or from any person whomsoever, on account of any suit or prosecution to be instituted, or which may be depending or have been decided in the said court; nor will I, directly or indirectly, derive any advantage or emolument from my station, excepting such as the orders of Government do or may authorize. So help me God."

Registers and assistants to the registers of the provincial courts of appeal, to

XXXV. The registers, and the assistants to the registers, of the provincial courts of appeal, shall be registers, and assistants to the registers, of the courts of circuit in the several divisions.

divisions. Previous to entering upon the execution of the duties of their office, they shall take and subscribe the following oath before the court of circuit to which they may be respectively attached.

be registers and assistants to the registers to the courts of circuit.

"I A. B. register (or assistant to the register) to the court of circuit for the division of ————, solemnly swear, that I will truly and faithfully perform the duties of register (or assistant to the register) to this court, according to the best of my knowledge and ability, and that I will not receive, directly or indirectly, any present or *nuzzer*, either in money or in effects of any kind, from any party in any suit or prosecution to be instituted, or which may be depending, or have been decided in the court of circuit of which I am register, (or to the register of which I am assistant,) nor will I, directly or indirectly, derive any advantage or emolument whatever from my office, excepting such as the orders of the Governor General in Council do or may authorize. So help me God."

Oath to be taken and subscribed by them.

XXXVI. The *cauzies* and *mufties* of the provincial courts of appeal, shall also be *cauzies* and *mufties* of the courts of circuit in the several divisions, and shall not be removable, except on proof to the satisfaction of the Governor General in Council, that they are incapable, or have been guilty of misconduct in the performance of their public duty, or of any act of flagrant profligacy in their private conduct.

Cauzies and *mufties* to the courts of appeal, to be *cauzies* and *mufties* to the courts of circuit.

XXXVII. The *cauzies* and *mufties* of the courts of circuit, previous to entering upon the execution of the duties of their offices, are to take and subscribe the following oath before the court of circuit to which they may be respectively attached.

Cauzies and *mufties* of the courts of appeal, to be *cauzies* and *mufties* of the courts of circuit.

"I A. B. *cauzy* (or *mufty*) of the court of circuit for the division of ————, solemnly swear, that I will truly and faithfully perform the duties of *cauzy* (or *mufty*) of the court, according to the best of my knowledge and ability, and that I will not receive, directly or indirectly, any present or *nuzzer*, either in money or in effects of any kind, from any party in any suit or prosecution to be instituted, or which may be depending, or have been decided, in the court of circuit of which I am *cauzy* (or *mufty*,) nor will I, directly or indirectly, derive any advantage or emolument from my office, excepting such as the orders of Government do or may authorize."

Oath to be taken and subscribed by the *cauzies* and *mufties* upon their first appointment.

XXXVIII. At the expiration of every six months, that is, on the 1st of January and the 1st of July in each year, the* cauzies *and* mufties *of the courts of circuit, shall take and subscribe the following oath.*

Half yearly oath to be taken and subscribed by the cauzies *and* mufties.

"*I A. B.* cauzy (*or* mufty) *of the court of circuit for the division of* ————, *solemnly swear, that from the* 1st *of January to the* 30*th June last, (or, from the* 1st *July to the* 31*st December last,) I have truly and faithfully executed the duties of* cauzy (*or* mufty) *of this court, according to the best of my knowledge and ability, and that I have not received, directly or indirectly, any present or* nuzzer, *either in money or in effects of any kind, from any party in any suit or prosecution, which has been, or is to be instituted, or is depending, or has been decided, in the court of circuit of which I am* cauzy (*or* mufty), *nor have I, directly or indirectly, derived any advantage or emolument from my office, excepting such as the orders of Government have authorized me to receive.*"

XXXIX. The *serishtadars*, and the other native officers of the provincial courts of appeal, shall be *serishtadars* and officers of the courts of circuit of the divisions to which they are respectively attached.

Serishtadars, and other native officers of the provincial courts of appeal, to be *serishtadars* and officers of the courts of circuit.

XL. There shall be two general gaol deliveries annually in each *zillah*, (excepting the *zillahs* of the Twenty-four Purgunnahs, Moorshedabad, and Dacca Jelalpore,) for which purpose, the judges shall make two circuits in each year, setting out on the first circuit on the 1st of April, and on the second, on the 1st of November. The judges shall proceed to the places of residence of the magistrates of the several *zillahs* in their respective divisions, with the exception of the three *zillahs* above mentioned, and, unless it be found indispensably necessary from the non-attendance of any material evidence, or other sufficient cause, to postpone any trial until a future session, shall remain at each station, until all persons com-

Two general jail deliveries to be made annually in each *zillah*.

Judges to make two circuits for that purpose, setting out on the first circuit on the 1st April, and on the second, on the 1st November.

* This section is rescinded by Section 4, Regulation XVIII. 1817.

Judges to remain at the stations of such magistrates, until all the prisoners whose trials can be completed are tried, and sentence upon them is passed, or their cases are referred to the Nizamut Adawlut.

mitted or held to bail for trial by the magistrate shall have been tried, and (in matters on which sentence is directed to be passed by the judges) sentence shall have been passed upon them, or (in cases in which the judges are not authorized to pass sentence) the trial shall have been referred to the Nizamut Adawlut.

Three judges to form themselves into two courts in making the circuit of the zillahs, *one to be superintended by the first judge, and the other by the second and third judge. Register and* mufty *to accompany the first judge; and the head assistant and* cauzy *the second and third judge. Stations in each division to which the two courts respectively are to proceed.*

XLI. To expedite the half yearly gaol deliveries in the* zillahs, *the judges of circuit in each division shall form themselves into two courts, one to be superintended by the first judge, and the other by the second and third judge. The register and the* mufty *shall accompany the first judge, and the senior assistant to the register and the* cauzy *shall attend the second and third judge. The courts so formed shall proceed to the undermentioned stations:*

DIVISION OF PATNA.

One court. Tirhoot, Sarun, and Shahabad.
One court. Behar proper, and Ramgur.

DIVISION OF DACCA.

One court. Sylhet, and Mymensing.
One court. Tipperah, Chittagong, and Backergunge.

DIVISION OF MOORSHEDABAD.

One court. Dinagepore, Rungpore, and the districts under the commissioner at Cooch Behar, exclusive of the independent territories of the Raja of Cooch Behar.
One court. Purneah, Boglepore, and Rajeshahy.

DIVISION OF CALCUTTA.

One court. Nuddea and Jessore.
One court. Midnapore, including the salt districts, Burdwan, and Beerbhoom.

Two courts to proceed alternately to the prescribed stations.

XLII. The two courts in each division so formed, shall proceed alternately to the stations specified in the preceding section, that they may never make two circuits successively to the same stations.

One judge sufficient to form a court.

Two courts in each division by whom to be superintended, in the event of either of the judges not being able to go the zillah *circuit.*

XLIII. One judge shall be sufficient to form a court. If the first judge shall be absent from his division, or shall be unable to proceed on the circuit from indisposition or other cause, the second judge shall make the circuit in the room of the first judge, and the third judge shall perform the circuit with the other court. If the third judge shall be absent from his station, or shall be unable to proceed upon the circuit, the second judge shall make the circuit alone. But no judge shall absent himself from his station without obtaining the previous sanction of the Nizamut Adawlut for that purpose, nor, in the event of his being present at his station, omit going the circuit, unless he should be unable to proceed upon it from indisposition or other unavoidable impediment, the earliest notice of which is to be transmitted to the abovementioned court.

Judges of circuit for the divisions of Patna, Dacca, and Moorshedabad respectively, to repair immediately to the cities, after finishing the circuits of the zillahs, *and to make the jail deliveries in the cities, and in the* zillahs *of Moorshedabad and Dacca Jelalpore.*

Monthly jail deliveries to take place in the cities of Patna, Dacca, and Moorshedabad, and the zillahs *of Moorshedabad and Dacca Jelalpore, excepting when the judges are making the half yearly circuits.*

XLIV. When the judges in the divisions of Patna, Dacca, and Moorshedabad, have completed the circuit in the several zillahs, *in which half yearly jail deliveries are directed to take place, they shall respectively repair without delay to Patna, Dacca, and Moorshedabad. The judges for the division of Patna, immediately upon their return, shall proceed to try all persons committed or held to bail to take their trial in the city of Patna. The judges of the division of Moorshedabad, shall in like manner proceed to try all persons committed or held to bail to take their trial in the city and the* zillah *of Moorshedabad; and the judges of the division of Dacca, all persons committed or held to bail to take their trial in the city of Dacca, and the* zillah *of Dacca Jelalpore. On the first of the month, next but one after the month in which the judges may return to the cities at which they are respectively stationed, and on the first of every succeeding month, until they proceed again upon the half yearly circuits, they shall hold a court of general jail delivery for the said cities, and the judges of the divisions of Moorshedabad and Dacca, for the* zillahs *of Moorshedabad and Dacca Jelalpore, and continue to sit, until they have completed the business of the monthly session. Agreeably to the above rule, if the judges of the several*

* Sect. 41. to 46. rescinded by Sect. 2. Regulation VII. 1794.

divisions shall return from the circuit to the cities, by the fifteenth of January, they are to proceed respectively to try all the prisoners committed or held to bail for trial, in the cities and the zillahs *of Moorshedabad and Dacca Jelalpore, and to hold another court of jail delivery on the* 1st *March, and on the first of every succeeding month, for the cities and* zillahs *above mentioned, until they proceed again upon the circuit. Provided, however, that where the first of the month shall fall on Sunday, the courts of monthly jail deliveries above directed to be held in the three cities, and the two* zillahs *before specified, shall not be opened until the Monday following, nor shall any of the courts of circuit sit on Sunday upon any occasion whatever.*

Court for the division of Calcutta, to hold jail deliveries in the zillah *of the twenty-four Purgunnahs, in the same manner as jail deliveries are directed to be held in the three cities by Section* 44.

XLV. The judges of circuit for the division of Calcutta, after having completed the half yearly jail deliveries at the stations mentioned in Section 41, *shall return to their station in the vicinity of Calcutta, and hold jail deliveries for the* zillah *of the Twenty-four Purgunnahs, in the same manner as the courts of circuit in the other divisions are directed in Section* 44, *to hold jail deliveries for the cities at which they are respectively stationed.*

Judges who first return from the circuits of the zillahs *to commence the trials.*

XLVI. To prevent any delay in the jail deliveries at the cities of Patna, Dacca, and Moorshedabad, and in the zillahs *of the Twenty-four Purgunnahs, Moorshedabad, and Dacca Jelalpore, the judge or judges of the division in which those stations are respectively included, who shall first return from the half yearly circuit, shall commence the trials, and proceed therein without intermission, (Sundays excepted,) until the return of the other judge or judges, when they shall all take their seats in the court.*

Manner in which the trial of the prisoners is to be conducted.

XLVII. The proceedings on the trial of prisoners are to be conducted in the following manner. The charge against the prisoner, his confession, (which is always to be received with circumspection and tenderness,) if he plead guilty, or, if he plead not guilty, the evidence on the part of the prosecutor, the prisoner's defence, and any evidence which he may have to adduce, being all heard before him, the *cauzy* and *mufty*, (who are to be present during the whole of the trial,) are to write at the end of the record of the proceedings, the *futwa* or law as applicable to the circumstances of the case, and to attest it with their seals and signatures. The court shall attentively consider such *futwa*, and if it shall appear to them consonant to natural justice, and also conformable to the Mahommedan law, they are to pass sentence in the terms of the *futwa*, (except in cases in which they are expressly directed not to pass sentence,) and to issue their warrant to the magistrate for the execution of it, without further reference or delay. Provided, however, that in all cases where a prisoner may be condemned by such sentence to suffer death, or imprisonment for life, the court shall transmit a copy of the sentence, and of all the papers and proceedings read or recorded during the trial, with translates in English, to the Nizamut Adawlut, and shall not execute such sentence, but shall wait the final sentence of that court.

Persons allowed to prosecute by *vakeel* in cases authorized by the Mahommedan law.

This rule not to prevent the court requiring, if necessary, the personal attendance of prosecutors, not being women of such a rank and situation in life as would render it improper to compel them to appear in a court of justice. How the evidence of prosecutors or witnesses of the above description is to be taken.

XLVIII. The prosecutor is to be allowed the option of carrying on the prosecution in person, or by a *vakeel* duly appointed, excepting in cases in which the Mahommedan law requires the prosecutor to appear in person at the trial of the prisoner. This rule, however, is not meant to prohibit the judges causing prosecutors to attend in person, in every case in which their *vivâ voce* evidence shall be deemed necessary, provided they be not Mahommedan or Hindoo women of a rank and situation in life, which, according to the customs and prejudices of the country, would render it improper to compel them to appear in a court of justice. If prosecutors or witnesses on a trial shall be women of this description, and their evidence shall be deemed necessary, and the case shall be of such a nature as to admit of its being taken by commission, the judges shall not require the attendance of such women, but shall depute persons to take their evidence in the manner prescribed by the Mahommedan law.

How the courts are to proceed in case the depositions of any witnesses cannot be obtained.

XLIX. If the attendance of any witness on the part of the prosecutor or the prisoner, whose evidence the law may not allow to be taken by commission, cannot be procured, or if any witness cannot be found, the judges may postpone the trial until the next circuit, provided there shall appear to them sufficient cause for so doing. If the attendance of such witness cannot then be procured, or if he shall not have been found, the judges may in like manner postpone the trial a second time. But if the judges and their law officers, shall be of opinion that the evidence of any witness or witnesses who may be absent, is not necessary, they shall complete the trial without the evidence of such witness or witnesses.

In cases of murder, the law officers to deliver their *futwas* according to Yusuf and Mahomed.

No criminal to suffer mutilation.

L. On trials for murder, the law officers shall deliver their *futwa* or law opinions upon the case, according to the doctrines of Yusuf and Mahommed.

Punishment to be inflicted in lieu of it.

LI. No criminal shall suffer the punishment of mutilation. If a prisoner shall be sentenced, in conformity to the *futwa* of the law officers, to lose two limbs, instead of being made to undergo such punishment, he shall be imprisoned and kept to hard labour for fourteen years; and if any prisoner shall be so sentenced, to lose one limb, he shall, in lieu of such punishment, be imprisoned and kept to hard labour for seven years. The judges are accordingly directed, whenever any criminal shall be sentenced to suffer mutilation, to commute such punishment for imprisonment and hard labour for the term above prescribed, and to issue their warrant to the magistrate for that purpose.

In cases of murder, reference directed by the Mahommedan law to be made to the heir of the slain.

Court to pass sentence of death, if the heir demands retaliation; but to transmit the proceedings to the Nizamut Adawlut, and wait the final sentence of that court.

How the courts are to proceed, if the heir requires the price of blood, or pardons.

LII. When a prisoner is convicted of murder, the judges shall cause the reference prescribed in such cases by the Mahommedan law, to be made to the heir of the slain. If the heir shall require the murderer to be punished with death, according to the law of* kissas *or retaliation, the judges shall pass sentence of death accordingly, transmitting all the proceedings held on the trial, with the* futwa *of the law officers, to the Nizamut Adawlut, and suspending the execution of the sentence until they receive the final sentence of that court, as directed in section 47. But if the heir of the slain shall require* deyat *or the price of blood, or shall pardon the murderer, the judges shall not pass sentence, but shall forward the record of the trial, including the* futwa *of the law officers and the requisition of the heir, to the Nizamut Adawlut, and wait the sentence of that court.*

How the courts are to proceed, if they disapprove of any part of the proceedings or the *futwa* of the law officers.

LIII. Whenever the judges shall disapprove of any part of the proceedings held on a trial, or of the *futwa* delivered by the law officers, they are not to pass sentence on such cases, but shall complete the trial, and transmit to the Nizamut Adawlut a copy of all the proceedings and the *futwa* of the law officers, with a separate letter stating the grounds of their disapproval, and wait the sentence of that court.

Judges to refer all questions of law to the law officers, except on points specifically provided for by the Regulations, and to regulate their proceedings by the opinion of those officers.

Courts to be guided by such opinions, although they disapprove of them.

How to proceed in such cases.

LIV. The judges of the courts of circuit are to refer to the *cauzy* and *mufty* of their respective courts all questions on points of law that may arise during the course of any trial, and respecting which no specific rules shall have been enacted by the Governor General in Council, and shall regulate their proceedings by the opinions which may be delivered by those officers. If such opinions shall appear to the judges contrary to the principles of natural justice, or to the Mahommedan law, they are nevertheless to be guided by them, and after completing the trial, and obtaining the *futwa* of the law officers upon the case, they shall, without passing sentence upon it, transmit the proceedings and *futwa* to the Nizamut Adawlut, with a separate letter stating their objections to such opinions or *futwa*, and wait the sentence of that court.

In case of murder, the following circumstances not to bar the trial or condemnation of the prisoner.

1st. Refusal of the heir to prosecute.

2d. Where an heir exists, but does not appear after a reasonable time, or signify his will with regard to the criminal.

3d. If the heir shall not be of a competent age to claim retaliation.

How the courts of circuit are to proceed in the three cases above specified.

LV. In cases of murder, the following circumstances shall not be considered as a bar to the trial or condemnation of prisoners. First, The refusal of the heir to prosecute. Second, Where it is known that the slain has an heir who is legally entitled to claim* kissas *or retaliation, but who shall neither appear after a reasonable time has been allowed to elapse for him to hear of the murder, and repair to the station at which the prisoner is to be tried, or communicate his intention by* vakeel *or otherwise, of pardoning the offender. Third, If the heir of the slain shall not have attained the age required by the Mahommedan law to render him competent to claim* kissas. *In all such cases, the courts of circuit are to proceed on the trial in the same manner as if the slain had no heir, and, when the trial is completed, are to require the law officers to declare what* futwa *they would have delivered, supposing the heir had been of sufficient age to demand* kissas, *and had been present at the trial, and prosecuted. But the courts of circuit are not to pass sentence on such trials, but shall forward the record, with the* futwa *directed to be required from the law officers, to the Nizamut Adawlut, the judges of which court, provided they approve of the proceedings held on the trial, shall pass such sentence as they would have passed, had the heir attained the proper age to entitle him to demand* kissas, *and had been present at the trial, and prosecuted.*

Religious persuasions of witnesses, not to invalidate their testimony.

LVI. The religious persuasions of witnesses shall not be considered as a bar to the conviction or condemnation of a prisoner; but in cases in which the evidence given on a trial,

* Rescinded by Sec. 2, Regulation IV. 1797.

† This Section is rescinded by Sec. 2, Regulation IV. 1797.

would

would be deemed incompetent by the Mahommedan law, solely on the ground of the persons giving such evidence not professing the Mahommedan religion, the law officers of the courts of circuit are to be required to declare what would have been their *futwa*, supposing such witnesses had been Mahommedans. The courts of circuit are not to pass sentence on such cases, but shall transmit the record of the trial, with the *futwa* directed to be required from the law officers, to the Nizamut Adawlut, which court, provided they approve of the proceedings held on the trial, shall pass such sentence as they would have passed, had the witnesses, whose testimony may be so deemed incompetent, been of the Mahommedan persuasion.

How the courts are to proceed where the law declares witnesses incompetent, because they are not Mahommedans.

LVII. In all cases in which the courts of circuit are directed not to pass sentence, the judges are to accompany the record of the trial ordered to be transmitted to the Nizamut Adawlut, with a letter containing their opinion on the merits of the case.

Courts of circuit to state their opinion on the merits of all cases on which they are directed not to pass sentence.

LVIII. The courts of circuit are to transmit to the Nizamut Adawlut, copies, and translates in English, of the proceedings on the trial of all prisoners whom they may sentence to suffer death, or who may in their opinion be deserving of capital punishment, within ten days after the trial is completed, or as much earlier as from the state of business may be practicable.

Courts to transmit all trials in capital cases, with translates, to the Nizamut Adawlut, as early as possible, but always within ten days.

LIX. The courts of circuit are empowered to direct the magistrate, to cause any person or persons who may be guilty of contempt of court, in open court, to suffer corporal punishment with a rattan not exceeding fifteen strokes, or imprisonment for any term not longer than fifteen days.*

Punishment to be inflicted on persons guilty of contempt of court in open court.

LX. The courts of circuit are to report to the Nizamut Adawlut, every instance in which it shall appear to them that the *cauxies* or *mufties* of their respective courts, have shown incapacity for their offices, or have been guilty of misconduct in the performance of their duty, or of any acts of profligacy in their private conduct.

Incapacity, or misconduct in public duty, or profligacy in private behaviour in the law officers, to be reported to the Nizamut Adawlut.

LXI. In the event of the absence or indisposition of the *cauxy*, or the *mufty*, or when they shall go upon separate circuits, the *futwas* of either of them in such cases, shall be considered equally valid, as if they had been delivered by them jointly.

Futwa of either of the law officers, when the other is not present, to be equally valid as if delivered by them jointly.

LXII. The judges of circuit are to visit the jails at each station at which there are to be half yearly jail deliveries, on every circuit, and the jails in the cities of Patna, Dacca, and Moorshedabad, and the *zillahs* of the Twenty-four Purgunnahs, Moorshedabad, and Dacca Jelalpore, once in every three months, or oftener if they shall think proper, and to issue to the magistrates such orders as may appear to them advisable for the better treatment and accommodation of the prisoners.

Judges to visit the jails, and to issue orders for the better treatment and accommodation of the prisoners.

LXIII. The courts of circuit are to report to the Nizamut Adawlut, every instance in which it shall appear to them that the magistrates have been guilty of neglect, or misconduct, in the discharge of their duty. The courts are also to acquaint the Nizamut Adawlut, whenever the magistrates omit or refuse to obey their orders.

Neglect or misconduct of the magistrate, to be reported by the courts to the Nizamut Adawlut.

LXIV. If a difference of opinion shall arise on any question, and the three judges shall be present in court, the opinion of the majority shall be adopted; if only two of the judges are so present, the senior judge shall have the casting voice. The judges are required in such cases, to record the grounds of their respective opinions upon the proceedings.

Where three judges are present, the opinion of the majority to decide on all questions.

Where only two judges are present, the senior judge to have the casting voice.

LXV. The judges are to submit to the Nizamut Adawlut, such rules as may appear to them calculated for the better regulation of the trials of prisoners, the administration of justice, or the police of the country.

Courts to submit to the Nizamut Adawlut such propositions as may appear to them expedient for the better regulation of trials, or the administration of justice, or the police.

LXVI. The Nizamut Adawlut, or superior criminal court, shall continue to be held at Calcutta.

Nizamut Adawlut to be held at Calcutta.

LXVII†. The court shall consist of the Governor General and the members of the Supreme Council, assisted by the head cauzy *of Bengal, Behar, and Orissa, and two* mufties.

Governor General and members of the Supreme Council, to sit as judges, assisted by the head cauzy, *and two* mufties.

* This section is rescinded by Clause 1st, Sect. 5, Regulation XII. 1825.
† Repealed by Sect. 2, Regulation II. 1801.

Court to meet once in every week, or as often as may be necessary.

LXVIII. The court shall meet once in every week, or as often as the state of the business may require, and a regular diary shall be kept of their proceedings.

Register to be appointed to the court.

LXIX. The court shall have a register, who shall be styled Register to the Nizamut Adawlut.

Oath to be taken by the register.

LXX. The register, previous to entering upon the execution of the duties of his office, shall take and subscribe before the Nizamut Adawlut, an oath similar to that prescribed for the registers to the courts of circuit.

Oath to be taken by the head *cauzy*, and two *mufties*.

LXXI. The head *cauzy* and the two *mufties*, previous to entering upon the duties of their offices, and on the 1st January and 1st July in each year, shall take and subscribe oaths similar to those prescribed for the law officers of the courts of circuit.

Court to have cognizance of all matters relating to the administration of criminal justice, and the police.

LXXII. The court is empowered, and directed, to take cognizance of all matters relating to the administration of justice in criminal cases, and the police of the country, and to submit to the Governor General in Council, such regulations regarding them as it may deem advisable.

Court to exercise the same powers as were vested in it, when it was superintended by the late *naib naxim*.

LXXIII. The court shall exercise all the powers that were vested in it, whilst it was stationed at Moorshedabad, and superintended by the late *naib naxim*, the Nabob Mahomed Reza Khan.

Sentences of the court to be conformable to the Mahommedan law, excepting where a deviation from it may be expressly authorized by the Governor General in Council.

LXXIV. The sentences of the court shall be regulated by the Mahommedan law, excepting in cases in which a deviation from it may be expressly directed, by any regulation passed by the Governor General in Council.

In cases of murder, the law officers to deliver their opinions according to Yusuf and Mahomed. Their distinctions as to the mode of committing murder not to be attended to, except as evidence of the intent. The intention of the criminal to be the rule for determining the punishment.

LXXV. In trials for murder, the head *cauzy*, and the *mufties*, shall deliver their *futwas* or opinions upon the case, according to the doctrines of Yusuf and Mahomed. The distinctions, however, made by those Imaums, and by Hunneefah, as to the mode of committing murder, shall not be adhered to by the Nizamut Adawlut; but the intention of the criminal, either evidently or fairly inferrible from the nature and circumstances of the case, and not the manner or instrument of perpetration, (except as evidence of the intent,) shall constitute the rule for determining the punishment.

Court to sentence persons convicted of murder to suffer death, although the heirs of the slain should pardon, or require from them the price of blood.

LXXVI. If a prisoner shall be convicted of murder, and shall be declared liable to suffer death by the law, in the event of the heir of the slain requiring* kissas *or retaliation; and the heir, instead of demanding* kissas, *shall pardon the murderer, or require from him the* deeut *or price of blood, the will of the heir shall not be allowed to operate in either of such cases, but the Nizamut Adawlut, provided they approve of the proceedings held on the trial, shall sentence the murderer to suffer death.*

Law officers to assemble at the office of the register three times in every week, or oftener if necessary.

Register to lay before them the Persian copies of all trials referred by the court of circuit.

Law officers to give their opinions in writing on such trials, before they leave the office of the register.

Register to submit the proceedings on such trials, and the opinions of the law officers, to the Nizamut Adawlut, which court is to pass the final sentence.

LXXVII. The head *cauzy* and the *mufties*, shall assemble at the office of the register three times in every week, or oftener if necessary, and the register shall lay before them the Persian copies of the proceedings in the trials that may be referred by the courts of circuit, for the final sentence of the Nizamut Adawlut. After dulyconsidering the proceedings, and previous to leaving the office of the register, they shall state in writing at the foot of the record of each trial, whether the *futwa* of the law officers is consistent with the evidence, and conformable to the Mahommedan law. If it be not, they shall state what *futwa* ought in their opinion to have been delivered, and subscribe their names, and affix their seals, to their respective opinions. The register shall submit the proceedings in the cases so revised by the head *cauzy* and the *mufties*, to the Nizamut Adawlut at their next meeting, when the court, after perusing the proceedings of the court of circuit, the *futwa* of the law officers of that court, and the *futwa* of the head *cauzy* and the *mufties* of the Nizamut Adawlut, shall pass the final sentence.

Register to transmit the copy of the final sentence to the court of circuit, within three days after it is passed, or as much earlier as may be practicable.

LXXVIII. The register, within three days after the passing of the final sentence, or sooner if practicable, shall transmit a copy of it under the seal of the Nizamut Adawlut, and attested with his official signature, to the judges of the court of circuit, who are immediately

* This Section rescinded by Sect. 2. Regulation IV. 1797.

to issue a warrant to the proper magistrate, to cause the sentence to be carried into execution. The magistrate, upon the receipt of the warrant, shall cause the sentence to be executed without delay, and return the warrant to the court of circuit, with an endorsement attested with his official seal and signature, certifying the manner in which the sentence has been executed. All warrants so returned, are to remain with the court of circuit, excepting warrants for the infliction of capital punishment, which are to be forwarded by the judges to the Nizamut Adawlut.

Magistrate to cause the sentence to be executed immediately upon the receipt of the warrant, and to return the warrant to the court of circuit with endorsement. What returned warrants are to be sent to the Nizamut Adawlut.

LXXIX. If any criminal who may be sentenced to suffer death, shall appear to the Nizamut Adawlut to be a proper object for mercy, they shall submit his case to the Governor General in Council, and according to the circumstances of it, either recommend a pardon to be granted to him, or such commutation of the punishment as to the court may seem proper.*

Nizamut Adawlut to recommend to the Governor General in Council, to pardon or commute the punishment of criminals sentenced to suffer death, who may appear to them deserving of mercy.

* Rescinded by Sect. 2. Regulation XIV. 1810.

A. D. 1793. REGULATION X.

A REGULATION *for re-enacting with modifications, the Rules passed by the Governor General in Council on the* 15*th July* 1791, *and subsequent dates, for the establishment and guidance of the Court of Wards, relative to disqualified landholders and their estates.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

BY the rules prescribed in Regulation VIII. 1793, for the decennial settlement of Bengal, Behar, and the Company's districts in Orissa, females, (with the exception of those whom the Governor General in Council may deem competent to the management of their own estates,) minors, idiots, lunatics, contumacious persons, and persons of notorious profligacy of character, who, not being partners with others of a different description, are, or may be, proprietors of entire estates paying revenue immediately to Government, are declared incapable of having any concern in the management of their lands; and it is to be understood, as the evident meaning and intention of part of these exceptions, that they include all proprietors of entire estates paying revenue immediately to Government, who are, or may be, rendered incapable of managing their lands, by natural defects or infirmities of whatever nature. The lands of persons coming within the above descriptions, are to be managed for the benefit of the proprietors, by persons appointed to the trust by Government, in the manner hereafter specified. The Governor General in Council, adverting also to the many instances which have occurred, of minors, females, and other proprietors of land of the descriptions above mentioned, being reduced to ruin by the misconduct of the agents to whom the management of their concerns has been committed, as well as to the frequent instances of minors being brought up in ignorance and dissipation, by the persons entrusted with the care and education of them, with a view to engross the management of their affairs when they might come of age, determined, on the 20th August 1790, to constitute the Board of Revenue a court of wards, with powers to superintend the conduct, and inspect the accounts, of the managers of estates of persons disqualified for the management of their own lands, by the rules prescribed for the decennial settlement, and with instructions to see that minors received an education suitable to their rank and circumstances in life, and such as might qualify them for the future management of their own concerns. For the guidance of the Board of Revenue in their capacity of a court of wards, as well as of the officers acting under them in this capacity, certain rules were enacted on the 15th July 1791. Those rules, with the subsequent amendments, and further modifications, are now re-enacted.

To whom the superintendence of the court of wards extends.

II. The superintendence of the court of wards extends to the persons and estates of all proprietors disqualified under the rules prescribed for the decennial settlement, for the management of their own lands, viz. all proprietors of entire estates, paying revenue immediately to Government, who are, or may be, females not deemed by the Governor General in Council competent to the management of their own estates; minors, idiots, lunatics, or others, rendered incapable of managing their estates by natural defects or infirmities of whatever nature;

as well as all proprietors of such estates, who are, or may be, deemed disqualified on account of contumacy, or notorious profligacy of character. To prevent misconstruction, it is declared, that by the terms "all proprietors of entire estates paying revenue immediately to Government," are meant, every such disqualified person who may be the sole proprietor of an estate, and any two or more persons, being proprietors of the whole of an estate, both or all of whom may be so disqualified.

To whom the superintendence of this court is not meant to extend.

III. The superintendence of this court, is not to extend to proprietors of estates not paying revenue immediately to Government, nor to joint proprietors of estates paying revenue immediately to Government, both or all of whom may not be of the descriptions specified in section 2. The disqualifications in the rules prescribed for the decennial settlement, do not include the former, and the latter are required thereby to elect a joint manager, in the choice of whom, those who are themselves unable to vote, are allowed a voice through their guardians. To such proprietors, managers, and guardians, this regulation is in no respect to be held applicable.

Collectors to ascertain and report, what landholders are disqualified.

Rules for ascertaining the ground of disqualification, and for enabling certain disqualified proprietors, to recover their estates when the ground of their disqualification may be removed.

IV. The collectors of the revenue are to ascertain and report to the Board of Revenue, both now and hereafter, what proprietors in their respective *zillahs* may come within the descriptions of disqualified landholders specified in section 2; and the following rules are prescribed for ascertaining the existence of the stated ground of disqualification in the first instance, and also for enabling proprietors of certain descriptions who may have been declared disqualified, to recover the management of their estates, when the ground of their disqualification may be removed.

Females.

V. *First.* If a proprietor of land shall be reported disqualified solely from being a female, the Board of Revenue, in their capacity of a court of wards, shall immediately proceed to take the estate under their care, reporting the circumstance to the Governor General in Council, who reserves to himself the power of declaring any female proprietor, whom he may deem competent to the management of her own estate, exempt from the operation of this regulation.

Minors.

Second. If a collector shall report a proprietor of land to be disqualified on the ground of minority, the Board of Revenue, in their capacity of a court of wards, provided they shall see no reason to doubt the nonage of the proprietor, are to take the estate under their care, and report the circumstance to the Governor General in Council. If a collector shall report any proprietor to be a minor, and the proprietor, or any person on his behalf, shall deny that he is under age, such proprietor or person, shall be at liberty to represent the circumstances to the court of *dewanny adawlut* of the *zillah* wherein the estate may be situated, the judge of which shall forward the representation to the Sudder Dewanny Adawlut, which court shall issue a precept, under the seal of the court, and attested by the register, to the judge of the *zillah*, or to the provincial court of appeal of the division, to call the proprietor before the court, and ascertain his age by the evidence on oath of not less than three credible persons well acquainted with him, and also by such other enquiries as may appear to the court calculated to ascertain the truth, and certify its proceedings, including any representations or evidence that the proprietor, or any person on his behalf, may have to adduce, with its opinion on the case, to the Sudder Dewanny Adawlut, which court shall determine whether such proprietor be a minor or not. The decision of the Sudder Dewanny Adawlut shall be final, and the court shall certify a copy of its decision to the Governor General in Council, who will order the estate to be put under the charge of the court of wards or not, according as the proprietor may be adjudged by the Sudder Dewanny Adawlut to be a minor, or otherwise.

Lunatics, or others disqualified by natural defects or infirmities.

Third. If a proprietor of land shall be deemed disqualified on the ground of lunacy, idiotism, or other disqualifying natural defect or infirmity, the Board of Revenue are to order the collector to represent the circumstances through the *vakeel* of Government, to the court of *dewanny adawlut* of the *zillah*, the judge of which shall transmit a copy of the representation to the Sudder Dewanny Adawlut. This court shall issue a precept to the court of appeal of the division, or to the judge of the *zillah* within the jurisdiction of which the proprietor may reside, to bring him before the court, to ascertain his actual state by ocular proof; and the court shall further take the declaration upon oath of no less than three credible persons acquainted with the party, setting forth their opinion of his condition, with the grounds

of it. The court is to transmit all its proceedings, with its opinion on the case, to the Sudder Dewanny Adawlut, which court shall determine finally whether the stated ground of disqualification be well founded or not, and certify a copy of its decision to the Governor General in Council, who will order the court of wards to take the estate of the proprietor under their care or not, according as the proprietor may be adjudged by the Sudder Dewanny Adawlut to be disqualified, or otherwise.

Contumacy and notorious profligacy of character.

Fourth*. *If a proprietor of land shall be deemed disqualified on the ground of contumacy or notorious profligacy of character, the Board of Revenue are to instruct the collector to submit a statement of the circumstances, through the* vakeel *of Government, to the judge of the* dewanny adawlut *of the* zillah, *who shall forward it to the Sudder Dewanny Adawlut. This court shall issue a precept to the judge of the* zillah, *or to the provincial court of appeal, to enquire into the circumstances of the case in the presence of the party, or his* vakeel, *who are respectively to be allowed to produce any evidence which they may have to adduce. The court is to report the result of its proceedings, with its opinion on the case, to the Sudder Dewanny Adawlut, which court shall finally determine whether the stated ground of disqualification be well founded or not, and report its decision to the Governor General in Council, who will order the estate to be committed to the charge of the court of wards or not, according as the proprietor may be adjudged by the Sudder Dewanny Adawlut, to be disqualified, or otherwise.*

Measures to be taken occasionally to ascertain continuance of disqualification.

Fifth. Persons not born in a state of idiotism, but who may have been declared by the Sudder Dewanny Adawlut disqualified as lunatics, are to be produced annually before the judge of the *dewanny adawlut* in the jurisdiction of which they may reside, or oftener if he shall think fit, in order to ascertain whether they be restored to sanity or otherwise; and if in any instance the ground of disqualification shall appear to the judge to be completely removed, he shall immediately report the same, with a full relation of the circumstances of the case, to the Sudder Dewanny Adawlut, which court shall finally determine whether the ground of disqualification be removed or not. The court is to communicate its decision to the Governor General in Council, who will order the court of wards to deliver over charge of the estate to the proprietor or not, according as the ground of his disqualification may be adjudged by the court removed, or otherwise.

Disqualified proprietors specified in clause second, third, and fourth, who may deem the ground of their disqualification removed, how to proceed to recover the management of their estates.

Sixth. Any person who may have been adjudged disqualified, on any of the grounds specified in clause second, third, or fourth, and who may deem the ground of his disqualification removed, shall be at liberty to represent the circumstances to the judge of the *dewanny adawlut* of the *zillah*, who shall forward the representation to the Sudder Dewanny Adawlut. This court shall issue a precept to the judge of the *zillah* court, or to the provincial court of appeal of the division, to enquire into the case, and to receive such evidence as the disqualified proprietor may have to offer in support of his representation. The court is to report the result of its enquiry, with its opinion thereon, to the Sudder Dewanny Adawlut, which court shall determine finally whether the ground of disqualification be or be not removed, and report its decision to the Governor General in Council, who will order the court of wards to restore the proprietor to the management of his lands or not, according as the ground of disqualification may be adjudged by the Sudder Dewanny Adawlut to be removed, or otherwise.

Trusts of manager and guardian to be considered altogether distinct, though they may in some instances be vested in the same person

VI. The trusts of manager for disqualified landholders, and guardian to them, are to be considered altogether distinct, but, as hereafter specified, they may in some instances be vested in the same person; and the rules contained in the following sections relative to managers and guardians respectively, are founded on this distinction.

What is to be entrusted to the manager and guardian respectively, when different persons.

VII Where the trusts of manager and guardian are vested in different persons, the former is to have the care of the estates real and personal; the latter, the care of the person, maintenance, and, if a minor, the education of the ward.

Rules to be observed in the selection of managers.

VIII†. First *The manager, who is to be denominated* serberahkar, *is to be chosen by the collector, subject to the approbation of the court of wards, and his commission is to be signed by the collector, and authenticated by his official seal. In recommending per-*

* Rescinded by Section 2, Regulation VII. 1796. † Rescinded by Section 26, Regulation VII. 1799.

sons for this trust, capacity for the business, goodness of character, and sufficient responsibility, are to be particularly attended to, and, after these considerations, a preference is to be given to the legal heirs to the estate, or other near relations of the proprietors, and, in the event of there being no heirs or relations of this description, to a creditable servant of the family. If no one among these be found duly qualified for the trust, and willing to undertake it, it must be vested in a proper person unconnected with the family. A husband may be the manager of any separate property belonging to his wife, provided she desire it, but not otherwise.

Second. *All female proprietors, not minors, or otherwise disqualified, may also recommend managers for their estates, and their recommendations are to be attended to, if consistent with the primary considerations above noticed.*

Security to be given, and obligation to be executed, by managers.

IX. The manager, previous to the receipt of his commission, is to give security for his appearance during the continuance of it, and is to execute the following obligation.

"I A. B. having voluntarily taken on myself the management of the estate of C——, disqualified proprietor of D——, do hereby solemnly promise and engage to manage the said estate diligently and faithfully for the said proprietor; to use every means in my power, to improve the same for his or her benefit; and to act, in every respect, to the best of my judgment, for his or her interest, in like manner as if the estate were my own, and I were acting for myself. I also promise and engage to render a true and just account of whatsoever may be received by me from, or on account of, the estate committed to my management, and in the event of it being proved that I have been guilty of any embezzlement, or of any abuse of trust, injurious to the property of the above-mentioned proprietor, I do hereby bind myself, my heirs and successors, to make good treble the amount of the embezzlement or injury so proved against me. I further promise and engage, to adhere strictly to such regulations as may be passed for the guidance of managers by the Governor General in Council, and to such orders as I may receive from the court of wards, and to derive no personal advantage whatever, directly or indirectly, from the trust committed to me, beyond the allowance by them granted to me."

Allowance to be fixed for managers, and penalty for any embezzlement proved against them.

X. An allowance to the manager proportionate to the extent of his trust, and adequate to a full compensation for his trouble, is to be proposed by the collectors, and fixed by the court of wards; and if it be proved to the satisfaction of the court of wards, that any manager shall have appropriated to his own use, directly or indirectly, any sum of money or other property, above his fixed allowance, he is declared liable for such embezzlement, to the fine specified in his obligation, besides dismission from his trust; and the fine is to be appropriated to the benefit of the estate under his charge.

Establishment of officers to act under the manager to be also fixed.

By whom to be nominated and appointed.

Penalty for embezzlement proved against such officers.

XI. An establishment of necessary officers to act under the manager, is also to be proposed by the collectors, and fixed by the court of wards. The persons to be employed on this establishment, are to be nominated by the manager himself, but approved by the collector, who may object to such as may appear to him disqualified by character or otherwise, and require the manager to appoint others. These orders are to be considered applicable to the manager's *sudder* establishment, and also to his *mofussil* establishment, in estates of considerable extent, where *mofussil* officers may be necessary. Any officer, *sudder* or *mofussil*, who may be proved to the satisfaction of the court of wards, to have appropriated to his own use, directly or indirectly, any sum of money or other property beyond his fixed allowance, is to be deemed guilty of embezzlement, and to be liable to the same fine as the manager in similar cases, besides dismission from his office.

Rules for the guidance of the collectors and managers regarding the payment of the public assessment, and general appropriation of the manager's receipts.

Provision for the support of the proprietors and their families.

XII. *First.* By the rules for the decennial settlement, the assessment of lands the property of disqualified proprietors, is to be fixed in like manner as that of other lands; and the following orders have been passed for the guidance of the managers and collectors, regarding the payment of this assessment, as well as respecting the general appropriation of the receipts of the managers from the lands under their charge.

Second. An allowance of ten per cent. on the public revenue assessed on the lands of disqualified proprietors, or of ten per cent. on the actual revenue paid to Government, in the event of the whole of the assessment not being realized, is to be fixed for the support of the proprietors, and such persons of their families as may be entitled to receive a provision from them;

them; and the appointed manager of such lands, shall be authorized to pay this allowance monthly, in proportion to his actual monthly payments of revenue to the collector, and no further. Instead of paying the whole of his receipts to the collector, he is to pay the monthly *kists* of Government's revenue only to the collector, or such part thereof as he may be able to discharge from his collections, after defraying the charges of his approved establishment and the allowance of the proprietors; but he is to deliver a monthly account current of his receipts and disbursements to the collector, who is to audit the disbursements therein specified, and see that the receipts, after defraying the necessary charges, and providing the authorized allowance of the proprietor, have been fairly appropriated to the payment of the revenue due to Government. As the lands of disqualified proprietors are not held answerable for the payment of the revenue assessed thereon, in the event of the neat collections of any year proving inadequate to the payment of the fixed assessment, in addition to the allowance of the proprietor, and of there being a surplus collection in any future year, the collector shall take care that such surplus is appropriated to the discharge of the arrear due to Government, and the proportion of the proprietor's allowance, which must also, according to the rule laid down, be at the same time in arrear, or, if no such balance be outstanding, he shall see the surplus expended by the manager for the improvement of the lands, or otherwise for the benefit of the estate under his charge.

How to be paid.

What payments to be made to the collector.

Monthly account current to be delivered to and audited by the collector.

Collector to see the manager's neat receipts fairly appropriated to the payment of the public revenue.

Deficiencies in revenue of any year how to be made good; and surplus receipts of any year how to be appropriated.

XIII. By the foregoing rules, ten per cent. on the revenue assessed, or realized, is fixed as the general allowance for the support of disqualified proprietors, and such persons of their families as may be entitled to receive a provision from them: but as in some instances, this allowance may be more than adequate to the expence of suitably maintaining and educating minors, or maintaining other disqualified proprietors, as well as of making a provision for their relations entitled thereto; or, on the other hand, may not be sufficient for these purposes, in some instances where there may be other funds arising from *lakheraje* lands, or other resources independent of the *malguzaree* lands, which might be appropriated thereto; the collectors are vested with a discretionary power to reduce the ten per cent. allowance in the former case, and to increase it in the latter, as, on a consideration of the rank and circumstances of the parties, and the amount of their allowances and other income, they may think proper. They are, however, to report any instances of the exercise of this power, in their monthly communications to the court of wards, and, previous to authorizing any increase of the fixed allowance, are to ascertain with accuracy, that there are *lakheraje* lands, or other resources independent of the *malguzaree* lands, fully adequate to make good the same, without which, no excess is to be admitted, unless the Governor General in Council should think proper to grant a dispensation from the general rule, in any particular case that may appear to require it. In the event of any reduction of the allowance fixed for the support of disqualified proprietors, the difference is to be applied by the manager to the benefit of the estate under his charge, to which purpose he is also to apply the income arising from resources independent of the *malguzaree* lands, which the collector, under the discretion above vested in him, may judge unnecessary for the education or maintenance of the proprietors, and the necessary provision of their relations entitled thereto.

Discretionary power vested in collectors, to reduce or increase, in certain cases, the general allowance fixed for the support of proprietors and their families.

Restrictions on the exercise of this power.

Manager to appropriate the savings arising from such reduction of allowance to the benefit of the estate; as well as any surplus income arising from resources independent of the *malguzaree* lands not otherwise appropriated by the collector.

XIV. Where a distinct guardian may be appointed, as hereafter specified, the manager is to pay to him the amount of the allowance fixed for the maintenance or education of the proprietors, and of the provision for persons of their families entitled thereto, as well as the amount of any resources independent of the produce of the *malguzaree* lands, which the collectors, under the discretion vested in them by the foregoing article, may think it proper to allot for these purposes.

Payments to be made by the manager to the guardian when distinct.

XV. Agreeably to the distinction laid down in Section 7, the manager is to have the entire care of the estate, real and personal. He will therefore have the exclusive charge of all lands, *malguzaree* or *lakheraje*, as well as all houses, tenements, goods, money, and moveables of whatever nature, belonging to the proprietor whose estate may be committed to his charge, excepting only the house wherein such proprietor may reside, the moveables wanted for his or her use, and the money allowed for the support of the proprietor, and his or her family entitled to a provision, which are to be left to the care of the guardian, where distinct guardians may be appointed. Both managers and guardians, on their receiving charge of any property, are to sign an exact inventory of the same, which is to be deposited in the treasury of the collectorship.

Specification of property to be entrusted to the manager and guardian respectively.

Inventory to be signed by both.

Manager to discharge his trust diligently and faithfully, and act in every respect for the proprietor's interest.

Restrictions on his grant and disposal of the permanent property committed to him.

XVI. The manager, agreeably to the terms of his obligation, is to manage the estate committed to him, diligently and faithfully, for the benefit of the proprietor, and in every respect to act to the best of his judgment for the proprietor's interest, in like manner as if the estate were his own. In instances, however, where he may act for a proprietor under age, not otherwise disqualified, he is not to grant any lease extending beyond the life of the proprietor, or contrary to Regulation XLIV. 1793, or to dispose of any part of the permanent property committed to his custody, without the sanction of the court of wards.

Manager to deliver an annual account current to the collector, with vouchers upon oath.

Exception to the rule.

XVII. In addition to the monthly account current required in clause second, Section 12, the manager, at the expiration of every year, is to deliver to the collector, an annual account current of his receipts and disbursements upon oath, with vouchers for the latter, (unless the court of wards shall be satisfied that it will be for the benefit of their general trust, to admit the manager to deliver in such accounts, under a solemn declaration of their being true and faithful accounts, in which case they are empowered to receive the accounts under such declaration, instead of an oath,) and the collector is to audit the disbursements, and take care that the whole of the surplus receipts be duly appropriated, in the manner specified in clause second, Section 12.

Collector to audit disbursements, and see receipts duly appropriated.

Surplus receipts when not required for the improvement of the lands, how to be appropriated.

Title deeds, mortgage deeds, and Government paper securities, now or hereafter belonging to the estate, how to be disposed of.

XVIII. If the collector should think it unnecessary, or unadvisable, to appropriate such surplus receipts to the improvement of the lands already under the manager's charge, he shall cause the same to be applied by the manager to the purchase of other landed property, or to interest loans on mortgages, or to the purchase of Government paper securities, as circumstances may render preferable; in which cases, he shall transmit the title deeds and mortgage deeds of the land purchases, or mortgages, to the court of wards, to be deposited in the general treasury; but as interest will occasionally become payable on the Government paper securities, he shall deposit them in the public treasury under his charge, giving in all cases a receipt to the manager, as well for the title and mortgage deeds, as the paper securities. The court of wards are also to obtain the sub-treasurer's receipt for the two former, when deposited in the general treasury, and are to transmit an attested copy thereof to the collector, to be delivered by him to the manager. The manager shall also deliver any existing title or mortgage deeds, or Government securities, belonging to the estate under his charge, to the collector, who shall, in like manner, return a receipt for the same, and transmit them to the court of wards, or deposit them in his public treasury as above directed. Any interest becoming payable on Government securities, is to be paid to the manager, to be appropriated by him, in common with other resources, independent of the produce of the *malguzaree* lands, as before mentioned.

Interest becoming payable on Government's paper, to be received and appropriated by the manager.

Any just debts due from the estates of disqualified landholders how to be satisfied.

In cases of debts being compounded, the estate to be debited for the actual payment only.

XIX. Any just debts now outstanding against, or hereafter adjudged against, the estates of disqualified landholders, must necessarily be satisfied (if required so to be by the creditors) as far as may be consistent with the rights of Government, to whom the produce of the *malguzaree* lands is mortgaged in the first instance, for the payment of the public revenue assessed thereon. The circumstances of all such debts, however, are to be immediately reported to the collector, and by him, without delay, to the court of wards, with his sentiments on the best mode of satisfying the same, for their instructions, previous to any payment being made by the manager in discharge of them. In the event of any debts being compounded for a less sum than the full amount, the estate is to be debited by the manager for the actual payment only.

Province of guardians.

XX. Agreeably to Section 7, it will be the province of guardians appointed for disqualified landholders, to take care of the person, maintenance, and, if a minor, the education of the wards.

Rules to be observed in the choice of guardians.

XXI. The rules contained in Section 8, for the election of managers, are to be applied also to the choice of guardians, with these differences, that the guardianship shall in no instance be entrusted to the legal heir, or other person interested in outliving the ward, and that female minors shall have guardians of their own sex. Further, under these restrictions, landholders, whose heirs are disqualified, may appoint guardians to such heirs by will in writing; and such guardians, (provided they be duly qualified,) if willing to accept the trust, and execute the obligation hereafter specified, shall be preferred. Such testamentary appoint-

ments, however, shall in all instances be reported, with the sentiments of the collector, for the confirmation of the court of wards, and shall not be deemed valid till confirmed by them.

XXII. Landholders disqualified on account of minority, idiotism, lunacy, or other natural defect or infirmity, rendering them incapable of attending to the care of their own persons and maintenance, will only require guardians. Female, as well as male proprietors, not so disqualified, may themselves receive and disburse the allowance fixed for their maintenance.

What landholders will require guardians.

XXIII. For persons of the descriptions above mentioned, it is expected, that some friend of the party will gratuitously discharge the trust of guardian, appropriating the fixed allowance to the maintenance, and, if a minor, to the education also, of the ward. Should it, however, in any instance, be found necessary to make a pecuniary compensation to a person to act as guardian, such compensation, after being approved by the court of wards, is to be provided from the allowance fixed for the maintenance of the ward.

Compensation to guardians, when necessary, how to be provided.

XXIV. The guardian, previous to the receipt of his commission, is to give security for his appearance during the continuance of it, and is to execute the following obligation.

Security to be given, and obligation to be executed, by guardians.

"I A B. having voluntarily taken on myself the guardianship of C——, disqualified proprietor of D——, do hereby solemnly promise and engage to execute the trust committed to me zealously and faithfully, to the best of my judgment, and according to the regulations which have been, or may be, prescribed for the guidance of guardians, by the Governor General in Council. I will conscientiously appropriate the allowance fixed for the maintenance, and (if the ward be a minor) the education of my ward, to his (or her) benefit, and will derive no advantage therefrom myself, directly or indirectly, beyond the compensation granted me for my superintendence. I also promise and engage, to render a true and just account of whatsoever may be received by me, on account of my ward above mentioned, and in the event of it being proved that I have been guilty of any embezzlement, or of any breach of trust, injurious to his (or her) property, I hereby bind myself, my heirs and successors, to make good treble the amount of the embezzlement or injury so proved against me."

XXV. An establishment of necessary servants to act under the guardian, is to be proposed by the guardian, to the collector, and fixed by the court of wards, and the several rules and restrictions in Section 11, regarding the establishments of managers, are to be considered equally applicable to the establishments of guardians. The expence of the latter is to be defrayed from the allowance fixed for the support of the proprietors.

Establishment of servants to act under guardians, by whom to be proposed and fixed. Rules and restrictions in Section 11, applicable to such establishments. Expences to be defrayed from the proprietor's allowance.

XXVI. The guardian is to deliver a monthly account current of his receipts and disbursements, to the collector, who shall audit the disbursements therein specified, and see that the receipts have been fairly and duly appropriated. The guardian is also to deliver an annual account current upon oath, (unless the court of wards shall be satisfied that it will be for the benefit of their general trust, to admit the guardian to deliver in such accounts under a solemn declaration of their being true and faithful accounts, in which case, they are empowered to receive the accounts under such declaration, instead of an oath,) with vouchers, to be in like manner audited by the collector, and in the event of any money remaining in his hands, which the collector shall think unnecessary for the guardian's expences in the ensuing year, he shall cause the same to be repaid to the manager, to be applied by him to the benefit of the estate under his charge.

Monthly and annual accounts to be delivered by the guardian to the collector.

Collector to audit the disbursements, see that the receipts have been duly appropriated, and cause any surplus not required for the expences of the ensuing year, to be repaid to the manager.

Exception to the rule.

XXVII. In cases of minority, where the minor may be a male, the superintendence of his female relations is not to be allowed after the expiration of the fifth year, and on his attaining the age of tuition, it must be the first care of the guardian to procure proper teachers to give him an education suitable to his situation in life.

Superintendence of the female relations of male minors limited to the end of the fifth year. Guardians to procure proper teachers for them on their attaining the age of tuition.

XXVIII. Minority, with respect to both Hindoos and Mahommedans, is limited to the expiration of the fifteenth year.*

Minority limited to the end of the fifteenth year.

* Rescinded by Sect. 2, Regulation XXVI. 1793.

XXIX.

Guardians of female minors, also to take care that their wards receive a suitable education.

XXIX. The guardians of female minors, who, agreeably to Section 21, are to be of the same sex, are also to take care that their wards, when arrived at the age of tuition, receive an education suitable to their condition.

Cases in which the trusts of guardian and manager may be united in persons to whom the inheritance cannot descend.

Rule to be observed in such cases.

XXX. The trusts of guardian and manager, may be united in persons to whom the inheritance cannot possibly descend, if circumstances should render the same eligible; but in this case, the trustee shall be considered as acting in two distinct characters, and shall execute the obligations of both manager and guardian, and deliver the accounts required from each distinctly.

Manager and guardian to sign and seal all papers with their own names and seals. Not to sign or seal the name of their ward, or his deceased parents, but to deliver all family seals to the collector, to be deposited in the treasury.

XXXI. Both manager and guardian shall sign and seal all papers with their own names and seals, adding to the former their designation of manager or guardian. They shall on no account sign or seal the name of their ward, or of his (or her) deceased parents, but shall deliver all family seals belonging to the ward to the collector, to be deposited in the treasury of the collectorship.

Minors, and others having guardians, not to be sued, but under the protection and joint name of their guardians.

XXXII. *First.* Minors, and other disqualified landholders having guardians, as described in Section 22, shall not be sued but under the protection and joint name of their guardians.

They may however sue the collector, their guardians, or managers, by any person willing to undertake their cause, under the provision herein specified.

Second. They may however during the term of their disqualification, sue the collectors, their guardians, or managers, before the court of wards, for fraud, by any person willing to undertake their cause, provided he shall previously give security for the payment of all costs and damages in case of being non-suited; in return for which, the person so suing shall receive any fine and costs that may be adjudged against the collector, guardian, or manager, in the cause undertaken by him. The court of wards may order the collector to enquire into, and report upon, any such charges against guardians, or managers, but the collector is not to pass judgment, which is to be given by the court of wards. If the court of wards, or the collector, shall have occasion to require the attendance of any persons in the course of such enquiries, they shall make application to the judge of the proper *dewanny adawlut* to summon them to attend, and the court of wards and collectors are empowered to administer oaths to such persons, if necessary, under the rules and restrictions prescribed to the *zillah* and city courts for the administration of oaths. The court of wards are to transmit copies of any judgments which may be given by them under this clause, against a collector, guardian, or manager, to the court of *dewanny adawlut* of the *zillah*, and they shall be considered as judgments of the court, and be enforced accordingly. An appeal however shall lie from such judgments, immediately to the Sudder Dewanny Adawlut, provided the petition of appeal be preferred to the *zillah* court, or to the Sudder Dewanny Adawlut, or to the court of wards, within three months after the date of the decision; and the Sudder Dewanny Adawlut is empowered to admit an appeal after that period, provided the petition of appeal be presented to that court, and the appellant shall shew good cause to its satisfaction, for not having preferred the appeal within the prescribed time.

No adoption by disqualified landholders valid without previous consent of the court of wards.

XXXIII. No adoption by disqualified landholders is to be deemed valid, without the previous consent of the court of wards, on application made to them through the collector.

Information to accompany the collector's reports of disqualified landholders.

XXXIV. When the collectors report to the Board of Revenue the disqualification of any landholder, they are at the same time to state the condition of the party, the particulars of his or her estate, real and personal, as far as can be ascertained, and the person who may appear to them most eligible for manager and guardian, with the grounds of such opinion. In cases of testamentary appointments of guardians, they are also to notice the same, adding whether there be any and what objections to the confirmation of such appointments.

Collectors to make such further reports as may be required by the court of wards, and they, as well as managers and guardians, to observe all instructions transmitted by that court,

XXXV. The collectors are further to make such monthly or annual reports to the court of wards as may be required by them, and they, as well as managers and guardians, are to observe all instructions transmitted to them by the court of wards, not contrary to this regulation, or such other regulations as may be hereafter enacted by the Governor General in Council.

XXXVI. If a proprietor shall have been declared disqualified, and shall have been afterwards restored, or if the estate of any disqualified proprietor shall legally devolve to, or come into the possession of, any person not disqualified for the management of it, such proprietor, or his or her heir or successor, is declared entitled to sue the collector, the guardian, (if such disqualified proprietor shall have had a guardian,) or the manager, in the proper *zillah* or city court, for any acts done by them respectively whilst the estate may have been under the charge of the court of wards, in opposition to this or any other regulation that may be hereafter enacted regarding disqualified proprietors and their estates, or to any order issued by the court of wards, or for any breach of their respective trusts. The rules regarding the suits specified in Section 33, Regulation XIV. 1793, which the collectors are required to defend at their own risk and expence, are to be considered applicable to suits that may be instituted against collectors under this section.

not contrary to these, or future regulations of the Governor General in Council.

Collectors, managers, and guardians, liable to be sued for any act done in opposition to this regulation, or any breach of their respective trusts, after the estate shall be removed from under the charge of the court of wards.

A. D. 1793. REGULATION XI.

A REGULATION *for removing certain Restrictions to the Operation of the Hindoo and Mahommedan Laws, with regard to the Inheritance of landed Property, subject to the Payment of Revenue to Government.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

A CUSTOM, originating in considerations of financial convenience, was established in these provinces under the native administrations, according to which, some of the most extensive *zemindarees* are not liable to division. Upon the death of the proprietor of one of these estates, it devolves entire to the eldest son, or next heir of the deceased, to the exclusion of all other sons or relations. This custom is repugnant both to the Hindoo and Mahommedan laws, which annex to primogeniture no exclusive right of succession to landed property, and consequently subversive of the rights of those individuals, who would be entitled to a share of the estates in question, were the established laws of inheritance allowed to operate with regard to them, as well as all other estates. It likewise tends to prevent the general improvement of the country, from the proprietors of these large estates not having the means, or being unable to bestow the attention, requisite for bringing into cultivation the extensive tracts of waste land comprised in them. For the above reasons, and as the limitation of the public demand upon the estates of individuals as they now exist, and the rules prescribed for apportioning the amount of it on the several shares of any estates which may be divided, obviate the objections and inconveniencies that might have arisen from such divisions, when the public demand was liable to annual or frequent variation; the Governor General in Council has enacted the following rules.

After the 1st July 1794, landed property to descend according to the Mahommedan or Hindoo law, unless the last proprietor shall have otherwise disposed of it, in a manner sanctioned by those laws.

II. After the first of July 1794, corresponding with the 20th Assar 1201 Bengal era; the 17th Assar 1201 Fussily; 20th Assar 1201 Willaity; 17th Assar 1851 Sumbut; and the 2d Zehigeh 1208 Higeree; if any *zemindar*, independent *talookdar*, or other actual proprietor of land, shall die without a will, or without having declared by a writing, or verbally, to whom and in what manner his or her landed property is to devolve after his or her demise, and shall leave two or more heirs, who, by the Mahommedan or Hindoo law, (according as the parties may be of the former or latter persuasion,) may be respectively entitled to succeed to a portion of the landed property of the deceased, such persons shall succeed to the shares to which they may be so entitled.

Two or more persons succeeding to an estate, to be at liberty to hold it as a joint undivided estate,

III. If any *zemindar*, independent *talookdar*, or other actual proprietor of land, shall die subsequent to the period specified in Section 2, without a will, or without having declared by a writing, or verbally, to whom, and in what manner, his or her landed property is to devolve, after his or her demise, and shall leave two or more heirs, who, by the Mahommedan or Hindoo law, (according as the parties may be of the former or latter persuasion,) shall be respectively entitled to succeed to a portion of the landed property of the deceased, under the rule contained in that section, such persons shall be at liberty, if they shall prefer so doing, to hold the property as a joint undivided estate. If one or more or all of the sharers

 shall

or one or more or all of the sharers allowed to have separate possession of his or their shares,
or two or more of the sharers permitted to hold their shares as a joint undivided estate.

shall be desirous of having separate possession of their respective shares, a division of the estate shall be made in the manner directed in Regulation XXV. 1793, and such sharer or sharers, shall have the separate possession of such share or shares accordingly. If there shall be three or more sharers, and any two or more of them shall be desirous of holding their shares as a joint undivided estate, they shall be permitted to keep their shares united accordingly.

Manager to be appointed to shares held in joint property
Shares held separate how to be assessed.

IV. It is to be understood, that if any two or more sharers shall keep their shares united, under the option granted to them in Section 3, a manager for their joint estate is to be appointed, under the rules contained in Sections 23, 24, 25, 26, Regulation VIII. 1793; and that if any one or more of such sharers, shall apply to have the separate possession of his or their share or shares, the proportion of the public *jumma* charged upon the whole estate which is to be assessed upon such share or shares, is to be adjusted according to the rules prescribed in Section 10, Regulation I. 1793. If the estate is held *khas*, or let in farm, the provisions contained in Section 11, Regulation I. 1793, regarding estates so circumstanced which may be divided, will be applicable to it.

This regulation not to be in force until the 1st July 1794, and then not to operate retrospectively.

V. Nothing contained in this regulation is to be construed to entitle any person to a share of an estate, which may be now held entire by any individual, or that may devolve entire to any individual prior to the 1st July 1794, in exclusion of the other heirs of the last proprietor, under the custom for the future abolition of which this regulation is enacted.

Nor to prevent persons transferring their property in the manner and to whom they may think proper, provided the transfer be not repugnant to the Hindoo or Mahommedan law, or the regulations of the Governor General in Council

VI. Nor to prohibit any actual proprietor of land bequeathing, or transferring, by will, or by a declaration in writing, or verbally, either prior or subsequent to the 1st July 1794, his or her landed estate entire to his or her eldest son, or next heir, or other son or heir, in exclusion of all other sons or heirs, or to any person or persons, or to two or more of his or her heirs, in exclusion of all other persons or heirs, in the proportions, and to be held in the manner, which such proprietor may think proper, provided that the bequest or transfer be not repugnant to any regulations that have been or may be passed by the Governor General in Council, nor contrary to the Hindoo or Mahommedan law; and that the bequest, or transfer, whether made by a will, or other writing, or verbally, be authenticated by, or made before, such witnesses, and in such manner, as those laws and regulations respectively do, or may require.

A. D. 1793. REGULATION XII.

A REGULATION *for the Appointment of the Hindoo and Mahommedan Law Officers of the civil and criminal Courts of Judicature.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

IT is essential to the due administration of justice, that the law offices in the courts of judicature, should be held by men of integrity, well versed in the laws, and that they should be so constituted, as to render persons possessing the requisite qualifications, solicitous to obtain them, and to afford every encouragement to such persons, when appointed, to continue to discharge their duty with uprightness. It is likewise necessary upon general principles, that the law officers should be subject to penalties for misconduct, that they may be deterred from abusing their important trusts. The following rules have been accordingly enacted.

Law officers of the civil and criminal courts, to be appointed by the Governor General in Council, and not to be removable but for incapacity, or misconduct in their public, or profligacy in their private, character, proved to his satisfaction.

II. The law officers of the Sudder Dewanny Adawlut, the Nizamut Adawlut, the provincial courts of appeal, the courts of circuit, and the *zillah* and city courts, are to be appointed by the Governor General in Council, and shall not be removable but for incapacity, or misconduct in the performance of their public duty, or for any act of flagrant profligacy in their private conduct, proved to his satisfaction.

Qualifications for the law offices.

III. The law offices in the several courts, are to be conferred on persons well versed in the laws, and of unblemished moral characters.

Mahommedan law officers of the Sudder Dewanny Adawlut, and the provincial courts of appeal, to be the law officers of the Nizamut Adawlut, and courts of circuit.

IV. The *cauzy* and *mufties* to the Sudder Dewanny Adawlut, shall be the *cauzy* and *mufties* to the Nizamut Adawlut; and the *cauzy* and *mufty* of the provincial courts of appeal of each division, shall be the *cauzy* and *mufty* to the court of circuit of the same division.

Oath to be taken by the Mahommedan law officers of the civil courts of judicature, previous to their entering upon their offices.

V. *First.* The Mahommedan law officers of the courts of civil judicature, previous to entering upon the execution of the duties of their offices, are to take and subscribe the following oath before the court to which they may be respectively attached.

"I A. B. *cauzy* (or *mufty*) to the Sudder Dewanny Adawlut, (or the provincial court of appeal for the division of ———, or the *dewanny adawlut* of the *zillah* or city of ———,) solemnly swear, that I will truly and faithfully perform the duties of *cauzy* (or *mufty*) of this court, according to the best of my knowledge and ability; that I will not receive, directly or indirectly, any present or *nuzzer*, in money or effects of any kind, from any party or person whomsoever, on account of any suit, to be instituted, or which may be depending, or have been decided in the court of which I am *cauzy* (or *mufty*;) and that I will not, directly or indirectly, derive any advantage or emolument from my office, excepting such as the orders of Government do, or may authorize me to receive."

Second*. *At the expiration of every six months, that is, on the first of January, and the 1st of July in each year, the* cauzies *and* muftıes *of the courts of civil judicature, are to take and subscribe the following oath before their respective courts.*

"*I A. B.* cauzy (*or* mufty) *to the Sudder Dewanny Adawlut, (or the provincial court of appeal for the division of* ———, *or the* dewanny adawlut *of the* zillah *or city of* ———,) *solemnly swear, that from the* 1*st of January to the* 30*th June last, (or from the* 1*st July to the* 31*st December last,) I have truly and faithfully executed the duties of* cauzy (*or* mufty) *of this court, to the best of my knowledge and ability; that I have not received, directly or indirectly, any present or* nuzzer, *in money or effects of any kind, from any party or person whomsoever, on account of any suit, which has been, or is to be instituted, or is depending, or has been, decided in the court of which I am* cauzy (*or* mufty); *and that I have not, directly or indirectly, derived any advantage or emolument from my office, excepting such as the orders of Government authorized me to receive.*"

Mahommedan law officers of the Sudder Dewanny Adawlut, and the provincial courts of appeal, to take the oaths in Regulation 9, 1793, as law officers to the criminal courts.

VI. The Mahommedan law officers of the Sudder Dewanny Adawlut, and the provincial courts of appeal, are to take the oaths prescribed in Regulation IX. 1793, in their respective capacities of law officers to the Nizamut Adawlut, and the courts of circuit.

Declaration to be made by the *pundits* to the courts of civil judicature.

VII. The *pundits* to the courts of civil judicature, previous to entering upon the execution of the duties of their offices, are to make and subscribe the following declaration before the courts to which they may be respectively attached.

"I A. B. *pundit* to the Sudder Dewanny Adawlut, (or the provincial court of appeal for the division of ———, or the *dewanny adawlut* of the *zillah* or city of ———,) solemnly declare, that I will truly and faithfully execute the office of *pundit* of this court, according to the best of my knowledge and ability; that I will answer all questions that may be put to me in writing, or orally, by the said court; that I will declare or give in writing, what is in the *Shaster;* that I will not declare or give in writing what is not warranted by the *Shaster;* that if I declare any thing not warranted by the *Shaster*, I shall be deserving of punishment from *Ishwur*. I promise and swear, that I will not receive, directly or indirectly, any present or *nuzzer*, in money or effects of any kind, from any party or person whomsoever, on account of any suit, to be instituted, or which may be depending, or have been decided in the court of which I am *pundit;* and that I will not, directly or indirectly, derive any advantage or emolument from my office, excepting such as the orders of Government do or may authorize me to receive."

Courts how to proceed in charges of corruption or extortion that may be preferred against law officers.

VIII. *First.* The rules prescribed in Section 9, Regulation XIII. 1793, respecting charges of corruption or extortion lodged against the native ministerial officers of the civil and criminal courts, are to be held applicable to charges of a similar nature that may be preferred against the Hindoo or Mahommedan law officers of the several courts, with the following qualifications

An appeal to lie to the Sudder Dewanny Adawlut from all decisions whatever, passed by he provincial courts of appeal under this section.

Second. An appeal shall lie to the Sudder Dewanny Adawlut, from all decisions which may be passed by the provincial courts of appeal, whereby a charge of corruption or extortion against any law officer may be decreed not proved, or by which any such charge may be adjudged to be proved, whatever may be the amount decreed to be paid, notwithstanding any thing that may be said to the contrary in any regulation passed on this date.

Cases in which decrees passed by the provincial courts, or the *zillah* or city courts on such charges, are not to be enforced.

Third. No decree passed by any *zillah* or city court, or any provincial court of appeal, adjudging a Hindoo or Mahommedan law officer guilty of corruption or extortion, shall be carried into execution, in the event of the law officer against whom such decree may be passed, appealing from the decree, and giving the securities required by Section 12, Regulation V. 1793, and Section 10, Regulation VI. 1793, in cases of appeals from decisions for sums of money passed by those courts respectively, and the execution of which they are empowered to suspend upon such securities being given.

Cases in which the *zillah* or city courts are to transmit decrees adjudging their law officers guilty of corruption or extortion to the Governor General in Council.

Fourth. The *zillah* and city courts are to enforce by the usual process, all decrees that they may pass adjudging their law officers guilty of corruption or extortion, which may not be appealed against within the limited time, and transmit copies of the decrees to the Governor General in Council.

* Rescinded by Sect. 4. Regulation XVIII. 1817.

Fifth. The provincial courts are to enforce by the usual process, all decrees which they may pass adjudging their own law officers, or the law officers of any *zillah* or city court, guilty of corruption or extortion, that may not be appealed against within the limited period, and transmit copies of the decrees to the Governor General in Council

Cases in which the provincial courts are to transmit such decrees to the Governor General in Council.

Sixth. The Sudder Dewanny Adawlut is to transmit to the Governor General in Council, a copy of every decree which they may pass adjudging a law officer of any civil or criminal court guilty of corruption or extortion, within one week after it may be given.

Sudder Dewanny Adawlut to transmit such decrees to the Governor General in Council.

Seventh. The Governor General in Council, upon the receipt of any decree adjudging a law officer of a civil or criminal court, guilty of corruption or extortion, which may be transmitted to him under this section, reserves to himself the power of dismissing the offender from his office, or of both dismissing him from his office, and declaring him incapable of exercising any employment under Government. The Governor General in Council, likewise reserves to himself the power of suspending any law officer against whom a charge of corruption or extortion may be preferred, until a final decision shall be passed on the charge, whenever it may appear to him expedient, either upon the representation of any of the courts of judicature, or in consequence of any other information which may come before him.

Power reserved by the Governor General in Council, in cases of law officers being convicted of corruption or extortion.

Eighth. When a provincial court of appeal, or a *zillah* or a city court, shall adjudge a charge of corruption or extortion, that may have been preferred against any law officer, not to be proved, and the prosecutor shall not appeal from the decree within the limited time, the court is to transmit a copy of it to the Governor General in Council. The Sudder Dewanny Adawlut, within the abovementioned period, are to transmit to the Governor General in Council, copies of all decrees which they may pass, whereby any charge of corruption or extortion that may have been preferred against any law officer may be adjudged not proved.

All final decrees adjudging such charges not proved, are to be transmitted to the Governor General in Council.

IX. Upon a vacancy occurring in any law office in a court of judicature, by death or resignation, the court is to report the vacancy to the Governor General in Council, and recommend a person duly qualified to fill it. The Governor General in Council will either appoint the person so recommended, or any other person whom he may deem better qualified for the office.

Courts how to proceed when vacancies occur in the law offices in their respective courts.

A. D. 1793. REGULATION XIII.

A REGULATION *for the Appointment of the ministerial Officers of the civil and criminal Courts of Judicature, and prescribing their respective Duties.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

THE following rules have been enacted for the appointment of the ministerial officers of the civil and criminal courts of judicature, and for regulating their respective duties, including also provisions for receiving and trying any charges of corruption or extortion that may be preferred against them, or any private servants or dependants of the judges of the courts.

Courts to appoint their native officers.
Exception to the rule.
To remove them when they may judge it proper.

II. The courts of civil and criminal judicature, are to appoint their respective native officers conformably to their establishments, (excepting the* naibs *of the* nazirs, *the* mirdahs, *and the peons,) and are empowered to remove such officers for incapacity, misconduct, or other cause that may appear to them sufficient,* and nominate other persons duly qualified for the appointments. The *naxirs* are to appoint their own *naibs*, and *mirdahs*, and the peons of the courts to which they may respectively belong, and to remove them at their pleasure. The *naxirs* are to enter into a *mochulka* or penal obligation, in such sum as may be required by the courts to which they may be respectively attached, for the good behaviour of the *naibs, mirdahs*, and peons, whom they may appoint. The courts are authorized to require similar *mochulkas* or penal obligations, in such sums as they may judge proper, from the other native officers of their respective courts.

Nazirs to appoint their own *naibs, mirdahs*, and peons.

To execute penalty bonds for their good behaviour.

Courts empowered to take similar obligations from the other native officers.

Oath to be taken by the registers and their assistants, and other ministerial officers, being covenanted servants of the Company.

III. *First.* The registers to the courts of civil judicature, and their assistants, and all ministerial officers of the courts who may be covenanted servants of the Company, are to be appointed by the Governor General in Council. Previous to entering upon the execution of the duties of their respective offices, they are to take and subscribe the following oath in open court, before the judge or judges of the court to which they may be attached.

" I A. B. register (or assistant to the register, or other officer,) to the Sudder Dewanny Adawlut, (or the provincial court of appeal for the division of————, or the *dewanny adawlut* of the *zillah* or city of————,) solemnly swear, that I will truly and faithfully perform the duties of register (or assistant to the register, or other officer) to this court, according to the best of my knowledge and ability; that I will not receive, directly or indirectly, any present or *nuzzer*, in money or effects of any kind, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or have been decided in the court of *adawlut* of which I am appointed register, (or to the register of which I am assistant, or other officer,) that I will not knowingly permit any person or persons under my authority, or in my immediate service, to receive directly or indirectly any present or *nuzzer* in money or effects, from any party or person whomsoever on account of any suit to be instituted, or which may be depending, or have been decided in the court;

* This clause rescinded by Sect. 2, Regulation V. 1804.

that I will not be concerned, directly or indirectly, in the purchase of any goods or commodities in the British dominions in Bengal, for the purpose of remitting money to Europe, nor in any commercial transactions; and that I will not derive, directly or indirectly, any emoluments or advantages from my station, excepting such as the orders of Government do or may authorize me to receive.—So help me God."

Registers to the Sudder Dewanny Adawlut, and the provincial courts of appeal, and other officers being Company's servants, to take the oath in Regulation IX. in their capacity of officers of the criminal courts.

Second. The registers to the Sudder Dewanny Adawlut, and the provincial courts of appeal, and their assistants, and all ministerial officers of those courts, being covenanted servants of the Company, in their respective capacities of registers, and assistants to the registers, or officers, to the Nizamut Adawlut, and the Courts of Circuit, are to take the oath prescribed in Section 35, Regulation IX. 1793.

Oath to be taken by certain of the native officers of the civil and criminal courts.

IV. The *serishtadars*, or other head native officers, *moonshees*, *mohurrers*, and *nazirs*, of the civil and criminal courts, previous to entering upon the execution of the duties of their officers, are to take and subscribe the following oath in open court, before the judge or judges of the court to which they may be attached.

"I A. B. appointed to the office of *serishtadar* (or other head officer, or *moonshee*, *mohurrer*, or *nazir*,) to the Sudder Dewanny Adawlut, or the Nizamut Adawlut (or the provincial court of appeal for the division of————, or the court of circuit for the division of————, or the *dewanny adawlut* of the *zillah* or city of————,) solemnly swear, that I will truly and faithfully perform the duties of the office to which I have been nominated, to the best of my knowledge and ability; that I will not receive, directly or indirectly, any present or *nuzzer*, in money or effects of any kind, from any party whomsoever, on account of any suit to be instituted, or which may be depending, or have been decided in the court; that I will not knowingly permit any person or persons under my authority, or in my immediate service, to receive directly or indirectly, any present or *nuzzer*, in money or effects, from any party or person whomsoever, on account of any suit to be instituted, or which may be depending, or have been decided in the court; and that I will not derive, directly or indirectly, any advantages or emoluments from my office, excepting such as the orders of Government do or may authorize me to receive."

Ministerial officers to perform all such official acts as may be prescribed to them by the judges.

V. The registers to the civil and criminal courts, are to perform all such official acts as may be prescribed to them by the judges of the courts, who are empowered to assign to all ministerial officers attached to their several courts, the particular duties or business to be performed by them respectively.

Suits which the judges of the zillah *and city courts are empowered to refer to their registers for trial and decision.*

VI. The judges of the* zillah *and city courts, are empowered to authorize the registers of their respective courts, to try and decide suits for money, or any personal property, where the amount or the value of the thing contested shall not exceed the sum of two hundred sicca rupees; and for* malguzaree *land, the annual produce of which shall not be above two hundred sicca rupees, and for* lakheraje *land, the produce of which shall not be more than twenty sicca rupees per annum. The register is to try and decide such suits in open court, at times when the judge himself shall not sit. The decrees passed by the register are to be signed by him, and countersigned by the judge to denote his approbation of them, and are not to be considered valid unless they are so countersigned. The rules in this section, are not to be construed to empower the provincial courts of appeal to authorize their registers to try and decide any appeals whatever, that may be preferred to them from the decision of any* zillah *or city court.*

Registers of the provincial courts not to be authorized to decide upon any appeals whatever.

Registers to the zillah *and city courts, not to officiate as judges without the sanction of the Governor General in Council.*

Registers to the civil and criminal courts, not to exercise any powers but such as are vested in them by the Regulations.

VII†. The registers to the zillah *and city courts, are not to exercise the powers of judge, in the event of the temporary absence or indisposition of the judge of the court, or of the office of judge being vacant, without the express sanction of the Governor General in Council;* nor are the registers to any of the civil or criminal courts of judicature to exercise any judicial or other powers, in any case or matter coming within the cognizance of the courts, excepting the powers which they may be authorized to exercise, by any regulation passed on the 1st May 1793, or that may be enacted subsequent to that date, and printed and published in the manner directed in Regulation XLI. 1793.

* This section is rescinded by Sect. 2, Regulation VIII. 1794. † Rescinded by Sect. 6, Regulation IV. 1796.

VIII. The registers to the civil and criminal courts, after the rising of the courts, are to procure all acts of the courts to be executed. The assistants to the registers, and the native officers attached to the courts, are to assist the registers in performing the abovementioned duties, and in translating, and transcribing papers, and in arranging and keeping the records of the courts. The registers and their assistants, and the native officers, are to perform the duties specified in this section, in the manner and conformably to the rules, which the judges of the courts to which they may be respectively attached may think it proper to prescribe. The native officers of each court, are not to interfere in any other manner than as above directed, publicly, or privately, in any cause or matter depending before the court, or which may have been, or shall be intended to be brought before it.

Duties to be performed by the registers, assistants, and native officers.

IX. *First.* The ministerial officers of the civil and criminal courts, (under which designation are comprehended the registers, and the assistants to the registers, or any other subordinate officers being covenanted servants of the Company, and all native officers attached to the courts, excepting the law officers,) are declared amenable to the courts to which they may be respectively attached, for acts of corruption or extortion; and the courts are empowered to receive any such charges that may be preferred against them. Previous however to receiving the charge, the courts are to require the complainant to make oath to the truth of it, (or subscribe the required declaration, if he shall come within the description of persons whom the courts are empowered to exempt from taking oaths,) and give security in whatever sum they may judge proper, to prosecute the charge without delay. Unless the complainant shall previously take the oath, or subscribe the abovementioned declaration, and give the required security, the courts are not to receive the charge.

Ministerial officers of the courts amenable to their respective courts for corruption and extortion.

Oath or declaration to be made, and security to be given, by the complainant before the court receive the charge.

Charge to be rejected, unless the complainant shall make the required oath or declaration, and give security.

Second. The Sudder Dewanny Adawlut, and the Nizamut Adawlut, are empowered to receive any charge of corruption or extortion, not relating to any suit or matter depending before them, or decided by them, that may be preferred to them against any ministerial officer of a provincial court of appeal, or a court of circuit, and to refer it to the court to which the accused may be attached, by a precept under the seal of the court, and attested by the register, provided the complainant shall prove to their satisfaction, that he preferred the charge in the first instance to such court, and offered to make the required oath or declaration, and to give the security prescribed in clause first, and that the court notwithstanding omitted or refused to receive the charge; and shall moreover make the required oath or declaration, and enter into the security, prescribed in the abovementioned clause. But if any person shall prefer a charge of corruption or extortion against any ministerial officer of a provincial court of appeal, or a court of circuit, to the Sudder Dewanny Adawlut, or the Nizamut Adawlut, in any appeal or matter which may be depending, or have been decided, in the two last mentioned courts, the courts may receive the charge, and refer it to the provincial court of appeal, or the court of circuit to which the accused may be attached, without further enquiry, provided the complainant shall previously make the oath or declaration, and give the security, required in clause first.

Case in which the Sudder Dewanny Adawlut, and the Nizamut Adawlut, are empowered to receive charges of corruption or extortion, against the ministerial officers of the provincial courts of appeal and courts of circuit.

How the courts are to proceed, if the charge shall not relate to any matter depending before them, or decided by them.

How the courts are to proceed, if the charge relate to any matter depending before them, or decided by them.

Third. The Sudder Dewanny Adawlut is empowered to receive charges of corruption or extortion, not relating to any matter depending before them, or decided by them, that may be preferred to them against any ministerial officer of a *zillah* or a city court, and to order the court to which the accused may be attached, by a precept under their seal, and attested by their register, to receive the charge, provided the complainant shall prove to their satisfaction, that he preferred the charge in the first instance to such *zillah* or city court, and offered to make the required oath or declaration, and give the security prescribed in clause first, and that the court notwithstanding omitted or refused to receive the charge; and provided also, that the complainant shall further prove to the satisfaction of the court, that in consequence of such refusal, he preferred the charge to the provincial court of appeal of the division, and offered to make the required oath or declaration, and give the security prescribed in clause first, and that the provincial court nevertheless omitted or refused to receive the charge; and shall moreover make the required oath or declaration, and enter into the security prescribed in the abovementioned clause. The Sudder Dewanny Adawlut is likewise empowered to receive charges of corruption or extortion, which may be preferred against a ministerial officer of a *zillah* or city court, that may have been preferred in the first instance to the provincial court, in any appeal or matter depending before it, or which may have

Cases in which the Sudder Dewanny Adawlut is empowered to receive charges of corruption or extortion against the ministerial officers of any *zillah* or city court.

How the court is to proceed, if the charge relate not to any matter depending before it, or which may have been decided by it.

been decided by it, and to refer it to such provincial court, or to the *zillah* or city court, to which the accused may be attached, provided the complainant shall prove to the satisfaction of the court, that he preferred the charge to the provincial court, and offered to make the required oath or declaration, and give the security prescribed in clause first, and shall moreover make the required oath or declaration, and enter into the security prescribed in the abovementioned clause. But if any person shall charge a ministerial officer of any *zillah* or city court, before the Sudder Dewanny Adawlut, with corruption or extortion in any suit or matter that may be depending before it, or which may have been decided by it, the court may receive the charge, and refer it for trial to the *zillah* or city court to which the offender may be attached, without further enquiry, provided the complainant shall previously make the prescribed oath or declaration to the truth of the charge, and give the security required in clause first.

Court how to proceed, if the charge relate to any matter depending before it, or which may have been decided by it.

Fourth. The provincial courts of appeal are empowered to receive any charge of corruption, not relating to any suit or matter depending before them, or decided by them, that may be preferred to them against any of the ministerial officers of the *zillah* and city courts within their respective jurisdictions, and to refer the charge to the court to which the accused may be attached, provided it be proved to their satisfaction, that the accuser preferred the charge in the first instance to such *zillah* or city court, and offered to make the oath or declaration, and give the security required in clause first, and that the court notwithstanding omitted or refused to receive the charge. But if any person shall charge a ministerial officer of any *zillah* or city court with corruption or extortion in any appeal or matter which may be depending, or have been decided, in the provincial court, such court may receive the charge, and refer it to the *zillah* or city court to which the accused may be attached, without further enquiry, provided the complainant shall previously make the prescribed oath or declaration, and give the security required in clause first.

Cases in which the provincial courts of appeal are empowered to receive charges of corruption or extortion against the ministerial officers of the *zillah* or city courts.

Fifth. If the Nizamut Adawlut shall receive a charge of corruption or extortion, against any ministerial officer of a court of circuit, or, if the Sudder Dewanny Adawlut shall receive any such charge against a ministerial officer of a provincial court of appeal, or a *zillah* or city court, and there shall appear to those superior courts respectively, upon a consideration of the circumstances of the case, any objections to referring the charge to the court to which the accused may be attached, they are empowered, according as they may judge expedient, either to cause the charge to be tried by the Sudder Dewanny Adawlut, or, if the charge be against any ministerial officer of a *zillah* or a city court, to cause it to be tried by the provincial court of appeal of the division in which such court may be situated.

Sudder Dewanny Adawlut and Nizamut Adawlut, how to proceed in the event of their receiving a charge of corruption or extortion, and their appearing to them objections to referring it to the court to which the accused may be attached.

Sixth. If a provincial court of appeal shall receive a charge of corruption or extortion, against any ministerial officer of a *zillah* or city court, and there shall appear to the court, upon a consideration of the circumstances of the case, any objections to referring the charge to the court to which the accused may be attached, they are to report the grounds of their objections to the Sudder Dewanny Adawlut, which court are empowered to cause the charge to be tried by such provincial, or *zillah*, or city court, according as they may deem expedient.

Provincial courts how to proceed, in the event of their receiving a charge of corruption or extortion, and there appearing to them any objections to the referring it to the court to which the accused may be attached.

Seventh. Charges of corruption or extortion that may be preferred against the ministerial officers of any civil or criminal court of judicature under this section, are to be considered as civil actions, and accordingly, are to be prosecuted in the civil courts. Conformably to this rule, whenever the Sudder Dewanny Adawlut, or the Nizamut Adawlut, may receive any such charge against their own officers, or exercise the powers vested in them by clause fifth, they are to direct the complainant to prosecute the charge in the Sudder Dewanny Adawlut: and whenever the provincial courts of appeal, or the courts of circuit, may receive any such charge against any of their own ministerial officers, or the ministerial officers of any *zillah* or city court, or in the event of any such charge being referred to them, they are to direct the complainant to prosecute the charge before the provincial court of appeal: and whenever any *zillah* or city court may receive any such charge against their ministerial officers, or any such charge may be referred to them by the Sudder Dewanny Adawlut, or the provincial court of appeal, they are to direct the complainant to prosecute the charge in the *dewanny adawlut*.

In what courts charges of corruption or extortion, preferred against any ministerial officer of a court, are to be tried.

Eighth. If a native ministerial officer of any civil or criminal court, who may be prosecuted for corruption or extortion under this section, shall be proved to have received, or taken the whole, or any part of the money or property which he may be charged with having received or taken, the court is to adjudge him to refund the amount, or value, of the money or property which he may be so proved to have so received or taken, and to pay a fine of three times the amount of it to Government. In enforcing the decision, the court is to observe the rules prescribed for enforcing other decisions of the court. If the officer against whom such decree may be passed, shall not appeal from it within the limited time, or, if an appeal shall not lie from the decision, the court is to transmit a copy of the decree to the Governor General in Council. If an appeal shall lie from the decision, and such officer shall prefer an appeal, and the decision shall be confirmed in appeal, the court by which the final decision may be passed, is to transmit a copy of it to the Governor General in Council, who reserves to himself the power of declaring such officer incapable of serving Government in any capacity. The courts may suspend a native officer against whom a charge of corruption or extortion may be preferred, until the final decision may be passed, if they shall see cause for so doing.

Judgment to be passed by the courts, in the event of a charge of corruption or extortion being proved in whole or in part against any native ministerial officer.

Ninth*. *If a ministerial officer of any civil or criminal court, being a covenanted servant of the Company, who may be prosecuted for corruption or extortion under this section, shall be proved to have received, or taken, the whole or any part of the money or property which he may be charged with having received or taken, the court shall adjudge him to refund the amount, or value of the money or property which he may be proved to have received or taken, and to pay a fine of three times the amount to Government. If the officer against whom such decree may be passed, shall not appeal from it within the limited time, the court by which the decree may be given, is to transmit a copy of it to the Governor General in Council. If an appeal shall lie from the decision, and the decree shall be confirmed in appeal, the court in which the final decision may be passed, is to transmit a copy of it, within one week after it may be passed, to the Governor General in Council, who will order the amount of the decree to be deducted from the allowances payable to such officer from Government, or take such other measures as he may judge expedient for enforcing payment of it. The Governor General in Council, provided he shall think it proper so to do, will dismiss such officer from his appointment, or both dismiss him from his appointment, and suspend him from the service of the Honorable Company. A copy of every decree passed by a court, acquitting a ministerial officer of a charge of corruption or extortion, is to be transmitted by the court to the Governor General in Council, within one week after it may be passed. The Governor General in Council, in cases in which from the circumstances he may judge it expedient, will suspend any such ministerial officer from his appointment, until a final decision be passed on the charge.*

Judgment to be passed by the courts, in the event of a charge of corruption or extortion being proved in whole or in part against any ministerial officer, being a covenanted servant of the Company.

Tenth. *All process which may be issued under this section, against the ministerial officer of any court, who may be a covenanted servant of the Company, is to be transmitted to him under a cover sealed in the form of a letter, directed to his address, and superscribed by the register, with his name and official appellation; or, if the charge be against the register of the court from which the process may issue, the superscription is to be made by any ministerial officer attached to the court, being a covenanted servant of the Company; or, if there be no such servant, by the judge of the court, if it be a* zillah *court; or, if it be a court of appeal, by the junior judge of the court. The officer to whom the process may be issued, is to return it under a cover to the judge or officer by whom the cover may be superscribed, with an endorsement acknowledging the receipt of the process.*

Process issued against servants of the Company under this section how to be served.

Eleventh. *An appeal shall lie to the Sudder Dewanny Adawlut, from all decisions that may be passed by any provincial court of appeal, on charges of corruption or extortion preferred against any ministerial officer of a civil or criminal court, being a covenanted civil servant of the Company, whether the decree adjudge the charge proved or not, and whatever may be the amount decreed, notwithstanding any thing that may be said to the contrary in any regulation passed on this date.*

An appeal to lie to the Sudder Dewanny Adawlut, from all decrees whatever that may be passed by the provincial courts of appeal under this section, against civil covenanted servants of the Company.

* Clause 9, 10, and 11, rescinded by Sect. 3. Regulation X. 1806.

Officers at liberty to prosecute persons preferring groundless charges against them under this section.

Twelfth. If any person shall prefer a charge of corruption or extortion, against a ministerial officer of any civil or criminal court of judicature under this section, and the charge shall not be proved, the accused is to have the option of suing the accuser for damages in any court of civil judicature to which he may be amenable.

Courts of appeal and circuit, and *zillah* and city courts, to report any misconduct of their registers, or their assistants.

X. The provincial courts of appeal, and the courts of circuit, and the *zillah* and city courts, are enjoined to report to the Sudder Dewanny Adawlut, or to the Nizamut Adawlut. (according to the nature of the case,) whenever their registers, or the assistants to their registers, or other ministerial officers attached to their courts who may be covenanted servants of the Company, shall be guilty of neglect or misconduct (other than corruption or extortion) in the discharge of their duty.

Punishment for persons not attached to the courts, convicted of corruption or extortion.

XI. If a native servant, or dependant, of any judge of a civil or criminal court of judicature, not being a public officer attached to the court, shall extort, or receive, directly or indirectly, any money or other valuable consideration, under any pretence whatever, from any party or person, on account of any suit, to be instituted, or that may be depending, or have been decided in the court, he shall be committed as for a contempt of court, and be punished by a fine equal to treble the sum of money extorted or received, or by imprisonment, or corporal punishment, at the discretion of the court; and the judge is required to discharge such servant or dependant, and never to employ him, directly or indirectly, in his public or private capacity. If the offender shall not appeal against the decree within the limited time, or if an appeal shall not lie from the decision, or if the decision shall be confirmed in appeal, the court by which the final decree may be passed, shall transmit a copy of it to the Governor General in Council, who, in addition to the penalties or punishments specified in the decree, will, if there shall appear to him grounds for so doing, declare the offender incapable of serving Government in any capacity.

LIBRARY

A. D. 1793. REGULATION XIV.

A REGULATION *for the Recovery of Arrears of the public Revenue assessed upon the Lands, from Zemindars, independent Talookdars, and other actual Proprietors of Land, and Farmers of Land holding Farms immediately of Government*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzuan* 1207 *Higeree.*

Preamble.

TO ensure the punctual collection of the annual revenue payable to Government by the proprietors and farmers of land, it is essential that the collector should be armed with powers to enforce the discharge of it, without having recourse to the courts of justice, as the delay that must necessarily attend the institution of a law process for the recovery of every arrear, would encourage persons destitute of good faith to withhold the public dues, and render the collection of them a source of endless litigation. It is equally requisite upon general principles, that the collectors should exercise these powers at their own peril, that they may be deterred from abusing them for the purposes of exaction and oppression, whereby the improvement of landed property would be discouraged, and the value of it continue uncertain, and consequently depreciated. The collectors having in their possession the engagements of the proprietors and farmers of land, which specify the amount of the annual revenue that they have respectively agreed to pay, with the monthly proportions in which it is to be discharged, and also the rules defining the process by which they are to compel the payment of arrears, can never suffer from unjust prosecutions, so long as they are careful not to infringe those rules and engagements, as the courts of justice, at the same time that they will restrain them from abusing their power, will always support them in the due exercise of it, for enforcing payment of what they are authorized to demand on behalf of the estate. On the other hand, the proprietors and farmers of land will be able to prevent the powers delegated to the collectors of revenue, being exercised to their detriment, by performing punctually the engagements which they have voluntarily entered into with the public. Until they previously violate those engagements, the collector will have no authority to issue any process affecting either their persons, rights, or property; and if he exceeds or abuses the powers vested in him, they will be able to obtain redress for the injury which they may sustain, by prosecuting him in the court of justice. The Governor General in Council has accordingly enacted as follows.

What is to be considered an arrear of revenue.

II. If the whole, or a portion, of the *kist* or instalment payable in any month, by a proprietor or farmer of land, shall remain undischarged on the first of the following month, the sum so remaining unpaid is to be considered an arrear of revenue.

Payment of arrears of revenue to be demanded in writing.

By whom the writing is to be attested; what it is to contain; and by whom and how served upon the defaulter.

III. When a collector shall have occasion to require payment of an arrear of revenue, from any *zemindar*, independent *talookdar*, or other actual proprietor of land, or any farmer of land, he is to demand the discharge of it by a writing under his official seal, and attested by his signature, and that of his *dewan*, specifying the amount of the arrear, and the date on which it became due, and requiring it to be paid at the treasury of the collectorship, within a certain number of days after the day on which the writing may be served, in the manner herein

herein specified. In fixing the day for the payment of the arrear, the collector is to advert to the distance of his place of residence from the estate or farm of the defaulter, and allow a reasonable time for him to convey the money to the public treasury. The collector is to deliver the writing to a single *peon*, with directions to proceed either to the principal *cutcherree* of the defaulter, in the estate or farm on account of which the arrear may be due, or to the usual place of abode of the defaulter, if it be within the limits of his *zillah*, according as he may deem advisable. The defaulter, or his head officer in attendance in such *cutcherree*, is to grant, and the *peon* is to take, a receipt for the writing, specifying the date on which he may present it. The defaulter, or his officer above mentioned, is to pay to the *peon* two annas per day for his subsistence, (excepting in districts where custom has fixed the subsistence money of *peons* at a lower rate, in which case such lower rate, and no more, shall be exacted,) for the time allowed for delivering the writing, and returning to the collector. The name of the *peon* who may be deputed, the amount of his subsistence money, and the number of days for which he is to receive it, are to be endorsed on the writing. If the *peon* deputed to serve the demand for the arrears, shall not meet with, or be able to gain admittance to, the defaulter, or his head officer, by the evening of the day following the day on which he may arrive at his usual place of abode, or at his *cutcherree* above specified, or, if the defaulter, or his head officer, shall refuse or omit to give the receipt above required to the *peon*, immediately upon his presenting the writing, he is on the same evening to fix up the writing on the outer door or gate of such place or *cutcherree*, and return to the collector, to whom he is to report the date on which he may have fixed it up. Written demands for arrears so presented to a defaulter, or his head officer, or fixed up at his usual place of abode, or his *cutcherree* before mentioned, shall be considered to have been duly served upon him.

Cases in which collectors are authorized, and required, to cause defaulting proprietors and farmers of land to be confined.

IV. If any* zemindar, *independent* talookdar, *or other actual proprietor of land, or any farmer of land, shall omit to discharge the whole of an arrear of revenue, which may be demanded of him in the manner prescribed in Section* 3, *by the period limited in the writing, the collector, unless the defaulter shall have fallen in arrear, so as not to have paid a third part of the instalment of any one month, by the fifteenth of the ensuing month, is authorized either to cause him to be confined or not, as from circumstances may appear to him advisable. But if any proprietor, or farmer of land, shall not have discharged a third of the instalment of any one month, by the fifteenth of the ensuing month, and, after having been served with the written demand specified in Section* 3, *for the whole arrear, shall omit to pay the amount of it within the time prescribed in the writing; or, if any proprietor or farmer of land shall have fallen in arrears, to the amount of two thirds of the* kist *of any one month, and the collector, previous to the fifteenth of the ensuing month, shall have demanded the discharge of the arrears in the mode prescribed in Section* 3, *and fixed any day, subsequent to the fifteenth of the last mentioned month, for the payment of it, and the defaulter shall omit to discharge the whole amount by the prescribed period, the collector is positively enjoined to cause the defaulter to be imprisoned. The collectors are prohibited taking any proprietor or farmer of land into custody, and causing him to be confined for an arrear of revenue, until the defaulter has been served with the written demand for the arrear, as directed in this section, and he shall have failed to pay the amount by the limited period, under pain of being prosecuted by the defaulter in the* dewanny adawlut, *or court of civil judicature of the* zillah, *for false imprisonment, and paying such damages as the court may award against him.*

Collectors confining defaulters, without observing the rule herein specified, liable to be prosecuted for false imprisonment.

Process to be observed by collectors in confining defaulters.

V. When a collector shall proceed under Section 4, to the confinement of a *zemindar*, independent *talookdar*, or other actual proprietor of land, or farmer of land, for the recovery of arrears, he shall depute two *peons*, but no greater number than two, with a writing under his official seal, and attested with his signature, and that of his *dewan*, specifying the amount of the arrear due from the defaulter, and the date on which it became payable, and requiring him to deliver himself into the custody of the *peons*, that they may convey him to the jail of the *dewanny adawlut* of the *zillah*. The *peons* are to carry the defaulter direct to the jail. Immediately upon the arrival of the defaulter at the jail, the collector is to apply to the court, by motion in writing to be made in open court, if the court shall be sitting, through the pleader of Government, for the confinement of the defaulter. If the court shall not be sitting, the motion

Defaulter to be conveyed to the *dewanny adawlut* jail.

Motion in writing to be made to the court for his confinement.

* Superseded by Sect. 3, Regulation III. 1794, and Sect. 23, Regulation VII. 1799.

is to be presented to the judge out the court. The motion is to specify the amount of the arrear due from the defaulter, and the date on which it became payable. Upon receipt of the motion, the judge is immediately to order the defaulter to be confined in the jail of the *dewanny adawlut*, and detain him there, until he shall have discharged the arrear for which he may have been taken into custody, and all subsequent arrears that may become due during his confinement, or until the collector shall apply to the court, by motion made as above directed, to have him released. *Peons* deputed to take defaulting proprietors or farmers of land into custody under this section, are to receive from the defaulter, two annas per day each for their subsistence, (excepting in districts where custom has fixed the subsistence money of *peons* at a lower rate, in which case such lower rate, and no more, shall be exacted,) for the time allowed for taking him into custody, and conveying him to jail. The names of the *peons* who may be deputed, the amount of the subsistence money, and the number of days for which they are to receive it, are to be endorsed on the writing. If the defaulter shall not reside, or be, within the limits of the *zillah* wherein the lands on account of which the arrear shall be due may be situated, the collector is to order the two *peons*, whom he may charge with the writing, to proceed direct to the collector of the *zillah* in which the defaulter may be or reside, and such collector shall immediately send with them a *peon*, to point out the place of residence of the defaulter. The two *peons* shall take the defaulter into custody, and convey him to the jail of the *dewanny adawlut* of the *zillah* in which they may so apprehend him. The collector who may issue the writing, shall forward to the *vakeel* of Government in such *zillah*, the prescribed motion for the confinement of the defaulter, so that he may have it ready to present to the judge, immediately upon the arrival of the defaulter at the jail. The collector is to be careful likewise to specify in the writing for taking the defaulter into custody, the name of the *zillah* to the jail of which he is to be conducted. With the above exceptions as to the mode of serving the process, and the jail in which the defaulter is directed to be confined, all the other rules contained in this regulation regarding his case, are to be considered equally applicable to it, as if he had been imprisoned in the jail of the *zillah* wherein the lands on account of which the arrear shall be due may be situated. All suits or complaints which the defaulter may have to prefer against the collector, or his officers, or the *ameen* who may be deputed to take charge of his lands, are accordingly to be lodged in the *dewanny adawlut* of the last mentioned *zillah*, and the judge of the *zillah*, in the jail of which the defaulter may be confined, is to give effect to all decrees, or orders, which may be transmitted to him by the judge of the *zillah* in which the suits or complaints of the defaulter may be so preferred.

What the motion is to contain.

Judge to confine the defaulter.

Subsistence money to be paid to the peons.

VI. When a collector shall proceed to confine a *zemindar*, independent *talookdar*, or other actual proprietor of land, or farmer of land, under Section 4, he is to depute an *ameen*, with a proper establishment of officers, to collect the rents and revenues from the estate or farm of the defaulter. The collector is to transmit the establishment to the Board of Revenue, who are to submit it to the Governor General in Council, with a recommendation that it be confirmed, or altered, as may appear to them advisable. The expence of the establishment of the *ameen* when approved, and all other charges attending his deputation which may be admitted, shall be defrayed by the defaulter, and disbursed from the collections made from his estate or farm. The *dewan*, or head native officer of the defaulter, or any other person whom he may think proper to appoint, is to keep a counterpart of the accounts of the receipts and disbursements of the *ameen*. The *ameen* is to collect according to the engagements that may subsist between the defaulter and his dependant *talookdars*, under farmers, and *ryots*, and shall not make any alterations whatever in such engagements, or exact more than the amount specified in them, whether they be conformable to Regulation XLIV. 1793, or not. The *ameen* shall be liable to a prosecution in the court of *dewanny adawlut* of the *zillah*, for any alteration or infringement of such engagements, in opposition to this section. In cases in which no engagements may exist between the defaulter and his dependant *talookdars*, or *ryots*, the *ameen* is to collect from them according to the established rates and usages of the *purgunnah*. The *ameen* shall likewise be subject to a prosecution by the proprietor of the estate, or the farmer, for embezzlement, or injuries done to the estate, or farm, during the time that the collection of the rents and revenues of it may be entrusted to him. If the estate or farm of the defaulter shall be too inconsiderable to admit of its being charged with the expence of the

Precautions to be taken for the security of the revenue, upon the confinement of a proprietor or farmer of land.

Counterpart of the accounts of the *ameen* to be kept by a person on the part of the defaulter.

The *ameen* to collect according to the engagements of the defaulter with his dependant *talookdars* or *ryots*, under pain of being prosecuted for the infringement of them.

How the *ameen* is to collect, where no such engagements subsist.

Ameen liable to be prosecuted for embezzlement, or injuries done to the estate or farm.

Small estates to be committed to the charge of the

nearest *tehsildar*, or other native revenue officer.

the appointment of an *ameen*, it shall be committed to the nearest *tehsildar*, or other officer, employed under the collector in the business of the collections, who shall perform the duties above prescribed to the *ameen*, and under the same restrictions and penalties.

Cases in which defaulters are to be charged with interest on arrears.

VII. To prevent proprietors or farmers of land withholding the payment of the public revenue, to derive the benefit of the use of the money, or otherwise applying it to their private purposes, the Board of Revenue are empowered, in every case in which it shall appear to them that a *zemindar*, independent *talookdar*, or other actual proprietor of land, or farmer of land, has wantonly, or without sufficient cause established to their satisfaction, withheld the payment of the public dues, to charge the defaulter with interest on the arrear, at the rate of twelve per cent. per annum, from the period at which it may become payable, until the date on which it may be discharged. The order of the Board of Revenue to the collector to levy the interest, shall be a sufficient authority to him to enforce the payment of it, by the process to which he is empowered to have recourse, for compelling the discharge of arrears of the stipulated public revenue. But the Board of Revenue are not to order the collector to exact the interest, until they have submitted the circumstances of the case to the Governor General in Council, and received his sanction for the demand of it.

Cases in which the collector is directed to suspend the exercise of the powers vested in him by Section 4.

VIII. If the crops in any estate, or farm, shall have been damaged or destroyed by drought, inundation, or other calamity of season, or from any cause not originating in the neglect, mismanagement, or misconduct, of the proprietor or farmer; and such proprietor or farmer shall fall in arrears so as to subject himself to be confined under Section 4, and the collector shall be satisfied from the best information which he may be able to obtain, that the defaulter is unable to make good the arrears by the period limited in the written demand for the payment of them, required to be issued under Section 3, either from the collections on account of such year from his estate or farm, or from his private funds, or property, or by a loan; he is directed to suspend the exercise of the powers vested in him in the first mentioned section for the confinement of the defaulter. But the collector is immediately to report the circumstances of the case to the Board of Revenue, with his reasons for not proceeding against the defaulter as required in that section.

Collectors not to confine proprietors of land, who deny the whole of the arrear demanded, and give security to bring the demand before the dewanny adawlut, *and to pay the amount that may be decreed against them with costs.*

IX. If a collector shall demand a sum of money on account of arrears of public revenue, from a* zemindar, *independent* talookdar, *or other actual proprietor of land, under Section 3, and the proprietor shall deny, by a writing addressed to the collector, that any part of the arrears claimed is due from him, and within the time limited in the written demand for the payment of the arrears, shall tender good security to the collector, to institute a suit against him in the court of* dewanny adawlut *of the* zillah, *within ten days commencing from the date of the deed of security, or, if the court shall be shut, and shall not be opened until after the expiration of such ten days, within three days calculating from the day on which it may be opened, to try the justness of the demand, and to pay the amount of the arrear that may be finally adjudged to be due from him, with interest at the rate of twelve per cent. per annum, from the date on which the arrear became due, to the date of the decree, with all costs of suit, the collector is not to issue any further process against him on account of the demand. If such proprietor, however, shall omit to institute the suit within the time stipulated, or to pay the arrear, the collector is to demand in writing from the surety, the immediate discharge of the arrear, with interest at the rate of twelve per cent. per annum, from the date on which it became due, to the day of payment; and in the event of it not being forthwith discharged by the surety or the defaulter, he is to proceed against both of them, in the manner in which he is enjoined in Sections 4 and 5, to proceed against defaulting proprietors of land, who shall not have discharged a third part of the instalment of any one month, by the fifteenth of the following month; and the surety shall be kept in confinement, until the arrear, with the interest upon it at the abovementioned rate, from the date on which it may become due, to the day on which it may be paid, shall be discharged by him or the defaulter, or be made good by the sale of their property.*

Collectors to confine such proprietors, if they omit to institute the suit within the time limited.

The rules in the preceding section, applied to cases in which proprietors of land

X. If a collector shall demand from any actual proprietor of land, a sum of money on account of arrears of public revenue, in the mode prescribed in Section 3, and the pro-

* Sect. 9. to 11, rescinded by Sect. 11, Regulation III. 1794.

prietor shall acknowledge a part of the demand to be due, but deny, by a writing addressed to the collector, the justness of the remainder, and pay the part which he may admit to be due, within the time limited in the written demand for the discharge of the whole arrear claimed, and give the security required in Section 9, from proprietors of land denying the justness of any part of an arrear demanded of them, the collector is not to issue any further process against him, on account of the part of the arrear so denied. If such proprietor, however, shall not pay the part of the demand admitted by him within the time prescribed, or if he shall duly pay such part, but omit to institute the suit within the stipulated period, or to discharge the whole of the demand, the collector is to require in writing from the surety, the immediate payment of the arrear, with interest at the rate of twelve per cent. per annum, from the date on which it became due, to the day of payment; and in the event of the amount not being forthwith discharged by the surety or the defaulter, he is to proceed against both of them, in the manner in which he is enjoined in Sections 4 and 5, to proceed against defaulting proprietors, who shall not have discharged a third part of the instalment of any one month, by the fifteenth of the following month; and the surety shall be kept in confinement, until the arrear, with the interest upon it, from the date on which it became due, to the day on which it may be paid, shall be discharged by him or the defaulter, or be made good by the sale of their property.

shall admit, and pay part of a demand, but object to the remainder.

XI. If a collector shall take a proprietor of land into custody, or convey him to jail, for arrears of public revenue, under Section 4, and it shall be proved to the satisfaction of the judge of the dewanny adawlut *of the* zillah, *that the proprietor denied the justness of the whole or a part of the demand, and offered the security required in such cases in Sections 9 and 10, and, if he admitted a part of the demand, paid, or actually tendered such part, within the limited time, and that the collector omitted or refused to accept the security or payment; the judge, after taking the required security, and in case of a part of the demand being admitted, receiving payment of such part in deposit, is to release such proprietor, who shall be at liberty to prosecute the collector in the* dewanny adawlut *of the* zillah *for false imprisonment. The courts are to pay the sums which they may receive in deposit under this section, to the collector of the revenue of the* zillah *wherein the lands of the proprietor, on account of which the arrear may have been demanded, may be situated.*

Collector liable to prosecution, if he shall confine a proprietor of land, in opposition to Sections 9 and 10.

Judge to discharge the persons so confined, upon their executing the engagements, and performing the other acts therein required.

XII. Every proprietor or farmer of land, who may be in confinement for arrears of revenue, that may not have been adjudged to be due from him by a judicial decree, and who may deem the demand not warranted by his engagements with Government, is permitted to prosecute the collector by whom he may have been imprisoned, in the *dewanny adawlut* of the *zillah* wherein the lands on account of which the arrears shall be claimed may be situated, to try the justness of the demand. If no part of the arrear claimed shall be found to be due from him, the judge shall release him, and decree such costs and damages against the collector, as he may deem equitable, upon a consideration of the circumstances of the case. If only a part of the demand shall appear due, the court is to discharge the prisoner upon his paying such part. In both cases, however, the court, previous to releasing such person, shall take good security from him to perform the final decision in appeal, in the event of the cause being appealed by the collector, in consequence of orders from the Board of Revenue, or without their orders. If the collector shall represent to the court, that an appeal will not be preferred from the decision, or if an appeal shall not be lodged within the time limited for preferring appeals to the provincial courts of appeal, the judge shall release the person so confined, without taking such security. But no collector shall be liable to the payment of any damages, for causing proprietors of land, or their sureties to be confined under Sections 9, 10, or 11, in consequence of their not instituting the suit conformably to their engagement, or performing the other conditions to which they may have agreed, as therein specified, although it should be determined upon trial, that no part of the arrear which was to constitute the subject of the suit, was due.

Persons confined by the collector for arrears, at liberty to institute a suit against him, to try the justness of the demand.

XIII. At the expiration of the year, if an arrear shall remain due from any* zemindar, *independent* talookdar, *or other actual proprietor of land who may not be in confinement, the collector is to communicate the amount to the Board of Revenue, who are to*

Lands of proprietors in arrear at the end of the year, to be sold to make good the amount.

* This section is rescinded by Clause 1st, Sect. 2, Regulation XI. 1822.

Lands of proprietors, not to be sold for demands of revenue which may be under trial in the courts of justice, until the cause is finally decided.

Lands not to be sold for arrears, without the sanction of the Governor General in Council.

Proprietors or farmers of land denying the whole or part of a demand, but paying the whole to prevent any steps being taken against them by the collector, to be at liberty to prosecute him for the excess exacted.

report it to the Governor General in Council, and recommend the sale of such a portion of the estate of the defaulter, as may be sufficient for the liquidation of the amount. If, however, an arrear of revenue shall be stated to be outstanding against any actual proprietor of land, and he shall have given the security required, and instituted a suit under Section 9, 10, *or* 11, *to try the justness of the arrear demanded of him, his lands shall not be liable to sale for the arrears so claimed, until a final decision shall be passed in the cause. Lands are not to be sold for the discharge of arrears of revenue in any case whatever, without the sanction of the Governor General in Council.*

XIV. If a collector shall demand a sum of money on account of arrears of revenue from a* zemindar, *independent* talookdar, *or other actual proprietor of land, or any farmer of land, and such proprietor or farmer of land shall deny the justness of the whole or a part of the demand in a writing to that effect addressed to the collector, but to prevent any further process whatever being issued against him by the collector on account of the demand, shall discharge the whole of it, such proprietor or farmer of land shall be at liberty to prosecute the collector in the* dewanny adawlut *of the* zillah, *for the recovery of the sum which he may consider to have been unjustly exacted from him; and if it shall appear to the judge that neither the whole nor any part of the demand was due, he shall decree the whole of the sum so paid, or such part of it as may not be proved to have been due, to be refunded from the treasury of the* zillah.

Collector how to proceed, when a proprietor of land refuses to obey, or resists the process issued by him under Section 5, or escapes from the *peons*, or prevents the process being served upon him.

Judge upon the charge appearing to him well founded,

to issue a publication requiring the defaulter to deliver himself up to the court in four weeks.

In what language the publication is to be written, and where and when it is to be fixed up.

Ameen to be continued in the same manner as if the process had been duly served.

XV. If a collector shall issue the process prescribed in Section 5, against any *zemindar*, independent *talookdar*, or other actual proprietor of land, to convey him to jail on account of arrears of the public revenue, and the defaulter shall refuse to obey, or resist, or cause to be resisted, the *peons* deputed by the collector to convey him to jail, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that the process cannot be served upon him, the collector who may issue the writing, is immediately to represent the circumstances, through the *vakeel* of Government, to the *dewanny adawlut* of the *zillah* wherein the lands on account of which the arrears shall be due may be situated; and, upon the *peons* deputed to execute the process, or any two or more credible persons, making oath to the truth of the circumstances stated in the representation of the collector, the judge, provided he shall be satisfied in his own mind, from such depositions of the witnesses, and their answers upon oath to any questions which he may put to them, that the charge is well founded, shall require the defaulter, by a publication in writing, to deliver himself into the custody of the court within four weeks, calculating from the day following the date of the publication. The publication is to be written in the Persian and Bengal languages, if the estate of the defaulter shall be in Bengal or Orissa; or, in the Persian language, and the Hindoostanee language and Nagree character, if it should be situated in Behar; and shall be fixed up, as early after the date of it as may be practicable, at his usual place of abode, or the principal *cutcherree* in the estate on account of which the arrears may be due, in the office of collector, and the court-room of the *dewanny adawlut* of the *zillah*. The collector is to continue the *ameen* directed to be deputed by Section 6, to collect the rents and revenues of the estate of the defaulter, in the same manner as if the process issued under Section 5, had been duly served, and obeyed by him.

Decree to be passed by the *zillah* court, in the event of the defaulter not surrendering himself within the limited period, or of his delivering himself up within the time, and the charge being proved against him.

Court to transmit the decree and proceedings to the Governor General in Council, if the defaulter should not appeal within the prescribed time.

XVI. If the defaulter shall not surrender himself, before the expiration of the period limited in the publication, directed to be made in Section 15, or, if he shall deliver himself up within the prescribed time, and, after receiving his answer to the charge, and hearing the evidence which he may produce in his defence, and that which the collector may adduce in support of his representation, if it shall be proved to the satisfaction of the court, that the defaulter is guilty of the charge, the court is to decree the proprietary right of the defaulter, and his heirs, in the estate on account of which the arrears may be due, forfeited to Government. If the defaulter shall not appeal from the decree to the provincial court of appeal, within the time limited for preferring appeals to that court, in Section 12, Regulation V. 1793, the court is immediately to transmit to the Governor General in Council, a copy of the decree, and of all the proceedings respecting the charge. If the defaulter shall appeal to the

* This section is rescinded by Sect. 11, Reg. III. 1794.

provincial court of appeal within the prescribed period, and the court should confirm the decision of the *zillah* court, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or, if it be appealable, and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that court in Section 10, Regulation VI. 1793, the provincial court is immediately to forward a copy of their decree and proceedings in the appeal, and of the proceedings and decree of the *zillah* court, to the Governor General in Council. If an appeal shall be received from the decision of the provincial court of appeal, and the Sudder Dewanny Adawlut should confirm the decree of the provincial court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council. If the judge of the *zillah* court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process prescribed in Section 5, had been duly served upon him, and he had obeyed it; and the collector is immediately to obtain from the court, a copy of the decree and proceedings, and transmit them, with a letter containing his objections to the decision, to the Board of Revenue, who are to order the collector to appeal from it, or not, as may appear to them proper. If the Board shall order an appeal to be preferred, and it shall be lodged within the limited time, and the provincial court should reverse the decision of the *zillah* court, and adjudge the proprietary right in the estate forfeited, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and an appeal should not be preferred within the limited time, the provincial court is immediately to forward a copy of their proceedings and decree in the appeal, and of the decree and proceedings of the *zillah* court, to the Governor General in Council. If the judge of the *zillah* court shall decree the charge proved, and the decision shall be reversed in the provincial court, the collector is immediately to transmit a copy of the decrees and proceedings of the *zillah* court, and provincial court of appeal, with a letter stating his objections to the decree of the latter court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut, (provided the cause shall be appealable,) or not, as they may think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and the court should reverse the decision of the provincial court, and declare the proprietary right in the estate forfeited, the court is immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council. That no doubt may be entertained from what decrees passed by the provincial courts of appeal under this section, an appeal is to be allowed to the Sudder Dewanny Adawlut, it is declared, that an appeal shall not lie to the last mentioned court, unless the annual produce of the estate of the defaulter on account of which the arrears may have been demanded, calculating according to the amount paid, or payable, by the dependant *talookdars*, under farmers, and *ryots*, to the defaulter, on account of the year in which the decision of the *zillah* court may be passed, shall exceed one thousand sicca rupees; and the collectors are enjoined to insert generally, in the representation which they are directed to make to the *dewanny adawlut* of the *zillah* in Section 15, whether the produce of the estate on account of the year above mentioned, according to the best information they may have been able to obtain, exceeds or falls short of, one thousand sicca rupees, but without specifying the actual amount of the produce. If the defaulter shall not deliver himself up within the prescribed time, or if he shall surrender himself by the limited period, and the collector shall have stated the produce of the estate to be under one thousand sicca rupees, and the defaulter shall not deny the truth of the collector's statement in his answer to the charge, and the cause should be afterwards brought before the provincial court of appeal, an appeal shall not lie from the decision of that court to the Sudder Dewanny Adawlut. If the collector shall represent, that the produce of the estate for the year before mentioned, exceeds or falls short of one thousand sicca rupees, and the defaulter should appear within the limited time, and in his answer to the charge object to the statement, the judge is to try the objections, and pass such decision upon them as may appear to him equitable. If the cause should be afterwards brought before the provincial court of appeal, and no objection be offered by either party to the decision of the *zillah* court, on the collector's statement of the produce of the estate, it is to be held accurate. If objections should be offered, the provincial court is to try the objections, and pass such decision upon them as may appear to it equitable. If an appeal from the decree of the provincial court should be presented to the Sudder Dewanny Adawlut,

If the defaulter should appeal, and the decision of the *zillah* court be confirmed, the provincial court to transmit a copy of the decree and proceedings to the Governor General in Council, in the event of the defaulter not appealing to the Sudder Dewanny Adawlut, or the cause not being appealable.

Sudder Dewanny Adawlut how to proceed in case the suit should be appealed to them, and they should confirm the decision of the provincial court.

Collector how to proceed, if the *zillah* court should adjudge the charge not proved.

Rule for cases in which the provincial courts of appeal may reverse such decisions of the *zillah* courts.

Collector how to proceed, if the charge should be adjudged proved in the *zillah* court, and the provincial court of appeal shall reverse the decision.

Rule for determining from what decrees of the provincial courts of appeal passed under this section an appeal is to lie to the Sudder Dewanny Adawlut.

Adawlut, and the admission or rejection of the appeal should depend upon the produce of the estate, for the year before mentioned, exceeding or falling short of one thousand sicca rupees, the court of Sudder Dewanny Adawlut is to examine the decisions passed by the *dewanny adawlut* of the *zillah*, and the provincial court of appeal, respecting the produce of the estate, and either adjudge the cause to be appealable or not, as may appear to them equitable. Decrees that may be passed under this section by the *dewanny adawlut* of any *zillah*, or any provincial court of appeal, or the Sudder Dewanny Adawlut, adjudging the proprietary right in the estate of a defaulter to be forfeited to Government, shall not be carried into execution in any case whatever, without an order from the Governor General in Council confirming the decree, and directing in what manner the proprietary right in the estate shall be disposed of. It shall be at the option of the Governor General in Council, within four weeks after the receipt of a decree adjudging the proprietary right of any defaulter in an estate forfeited, either to order the decree to be executed, or to commute the forfeiture for such fine, as upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed. In the event of the Governor General in Council commuting the forfeiture for a fine, the court which shall have transmitted the decree and proceedings to the Governor General in Council, upon receiving notice of the fine that he may impose, are to levy the amount of it by the same process by which they are directed to enforce decrees of the court, and to pay the amount to the collector of the *zillah*. But if the Governor General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed, or commute the forfeiture for a fine, the decree is to stand good against the defaulter. The process which a collector may institute against a defaulter, in the court of *dewanny adawlut* of the *zillah*, under this section, as well as the prosecution or defence of any appeal from the decision of such court, which may be preferred to the provincial court of appeal, or from the decree of the provincial court to the Sudder Dewanny Adawlut, in which the collector may be appellant or respondent, is to be carried on at the public expence, and to be conducted by the *vakeel* of Government, whom the collector is to furnish with the necessary instructions.

Decrees passed under this section not to be carried into execution without the sanction of the Governor General in Council.

If the estate is decreed forfeited, the Governor General in Council may confirm the decree, or commute the forfeiture for a fine, within four weeks after he may receive the decree.

If the forfeiture is commuted for a fine, by what court and how it is to be levied.

Decree of forfeiture to be final, if not ordered to be executed, or commuted for a fine, within the time above mentioned.

Process and appeals instituted under this section, to be conducted by the *vakeel* of Government on the part of the collector, and to be carried on at the public expence.

XVII. If the defaulter mentioned in Section 16, shall be allowed to retain the proprietary right in his estate, Government is to account to him for the amount received through the *ameen*; and if it shall exceed the public revenue that was due from the estate, the expences attending the deputation of the *ameen*, and the fine which may be imposed upon the defaulter, the overplus is to be returned to him. If the sum received through the *ameen* shall be inadequate to the payment of the several demands above mentioned, and the defaulter shall not make good the deficiency, a portion of his lands is to be sold for the discharge of it.

Proceeds of the estate of the defaulter whilst attached, to be accounted for to him, if the forfeiture should be commuted for a fine.

Portion of the defaulter's estate to be sold, if the proceeds should not be adequate to answer all demands against him, and he should not discharge them.

XVIII. If the decree adjudging the proprietary right in the estate of the defaulter forfeited, shall be confirmed under Section 16, it shall be at the option of the Governor General in Council, either to confer such right upon the heirs of the defaulter, on their agreeing to make good all sums whatever that may be due to Government from the defaulter on account of the estate, and to pay the fixed revenue assessed upon it; or to dispose of it at public sale, subject to the payment of such revenue. If the estate shall be conferred upon the heirs of the defaulter, he is to be immediately released, if he should be in confinement. If the estate shall be disposed of at public sale, the proceeds of the sale are to be appropriated towards the discharge of the demands of Government, either on account of the public revenue, the expence attending the deputation of the *ameen*, or other charges incurred in consequence of the default of the former proprietor. If no such demand shall be outstanding at the time of the sale, or if any such demand should be due, and the proceeds shall exceed the amount of it, the whole of the proceeds in the first mentioned case, and the overplus in the second, is to be carried to the public account, or applied in any other manner that the Governor General in Council may direct.

If the forfeiture should be confirmed, the Governor General in Council to confer the estate on the heirs of the defaulter, or dispose of it at public sale.

XIX. If a collector shall issue the process prescribed in Section 5, against any farmer of land, to convey him to jail on account of arrears of public revenue, and the defaulter shall refuse to obey, or resist, or cause to be resisted, the *peons* deputed by the collector to convey him to jail, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place, so that the process cannot be served upon him, the collector who may issue the writing, shall immediately

Collector how to proceed when a farmer refuses to obey, or resists the process issued by him under Section 5, or escapes from the *peons*, or prevents the process being served upon him.

represent the circumstances, through the *vakeel* of Government, to the *dewanny adawlut* of the *zillah* wherein the lands on account of which the arrears shall be due may be situated, and, upon the *peons* deputed to execute the process, or any two or more credible persons, making oath to the truth of the circumstances stated in the representation of the collector, the judge, provided he shall be satisfied in his own mind from such depositions of the witnesses, and their answers upon oath to any questions which he may put to them, that the charge is well founded, is to require the defaulter, by a publication in writing, to deliver himself into the custody of the court, within four weeks, calculating from the day following the date of the publication. The publication is to be written in the Persian and Bengal languages, if the farm of the defaulter shall be in Bengal or Orissa, or in the Persian language, and the Hindoostanee language and Nagree character, if it be situated in Behar; and shall be fixed up, as early after the date of it as may be practicable, at his usual place of abode, if it be within the limits of the *zillah*, or the principal *cutcherree* in the farm, and in the office of the collector, and the court-room of the *dewanny adawlut*. The collector is to continue the *ameen* directed to be deputed in Section 6, to collect the rents and revenues of the farm of the defaulter, in the same manner as if the process issued under Section 5, had been duly served, and obeyed by him. If the defaulter shall not surrender himself before the expiration of the period limited in the publication, or, if he shall deliver himself up within the prescribed time, and after receiving his answer to the charge, and the evidence that he may have to produce in his defence, and that which the collector may adduce in support of his representation, if it shall be proved to the satisfaction of the court, that the defaulter is guilty of the charge, the court shall decree the lease of the farmer annulled from the expiration of the Bengal, Fussily, or Willaity year, (according as the farm may be situated in Bengal, Behar, or Orissa,) in which the decree may be passed. If the defaulter shall not appeal to the provincial court of appeal, within the time limited for preferring appeals to that court, in Section 12, Regulation V. 1793, the court is immediately to transmit to the Governor General in Council a copy of the decree, and of all the proceedings respecting the charge. If the defaulter shall appeal to the provincial court of appeal within the prescribed time, and that court shall confirm the decision of the *zillah* court, or if the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that court, in Section 10, Regulation VI. 1793, the provincial court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the *zillah* court, to the Governor General in Council. If an appeal shall be received from the decision of the provincial court of appeal, and the Sudder Dewanny Adawlut shall confirm the decree of the provincial court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council. If the judge of the *zillah* court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement, in the same manner as if the process in Section 5, had been duly served upon him, and he had obeyed it, and the collector is immediately to obtain from the court, a copy of the decree and proceedings, and transmit them with a letter containing his objections to the decision, to the Board of Revenue, who are to order the collector to appeal from it, or not, as may appear to them proper. If the Board shall order an appeal to be preferred, and it shall be lodged within the limited time, and the provincial court should reverse the decision of the *zillah* court, and adjudge the lease annulled, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or, if it shall be appealable, and an appeal shall not be preferred within the limited time, the provincial court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the *zillah* court, to the Governor General in Council. If the judge of the *zillah* court shall decree the charge proved, and the decision shall be reversed in the provincial court, the collector is immediately to transmit a copy of the decrees and proceedings of the *zillah* court, and the provincial court of appeal, with a letter stating his objections to the decree of the latter court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut, (provided the cause shall be appealable,) or not, as they may think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and that court should reverse the decision of the provincial

Judge upon the charges appearing to him well founded,

to issue a publication, requiring the defaulter to deliver himself up to the court in four weeks.

In what language the publication is to be written, and where and when it is to be fixed up.

Ameen directed to be deputed in Section 6, to be continued.

Decree to be passed by the *zillah* court, in the event of the defaulter not surrendering himself within the limited period, or of his delivering himself up within the time, and the charge being proved against him.

Court to transmit the decree and proceedings to the Governor General in Council, if the defaulter should not appeal within the prescribed time.

If the defaulter should appeal, and the decision of the *zillah* court be confirmed, the provincial court to transmit a copy of the decree and proceedings to the Governor General in Council, in the event of the defaulter not appealing in time to the Sudder Dewanny Adawlut, or the cause not being appealable.

Sudder Dewanny Adawlut how to proceed, in case the suit should be appealed to them, and they should confirm the decision of the provincial court.

Collector how to proceed, if the *zillah* court should adjudge the charge not proved.

Rules for cases in which the provincial courts of appeal may reverse such decisions of the *zillah* courts.

Rules for cases in which the charge may be adjudged proved in the *zillah* court, and the provincial court of appeal shall reverse the decision.

vincial court, and adjudge the lease annulled, the court are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council. That no doubt may be entertained, from what decrees passed by the provincial courts of appeal under this section, an appeal shall be admitted to the Sudder Dewanny Adawlut, it is declared, that an appeal shall not lie to the last mentioned court, unless the *jumma* paid or payable to Government by the defaulter, on account of the year in which the decree of the *zillah* court may be passed, shall exceed one thousand sicca rupees; and the collector is enjoined to state generally, in the representation which he is above directed to make to the *zillah* court, whether the *jumma* paid or payable by the defaulter in such year, exceeds, or is less than one thousand sicca rupees, but without specifying the exact amount of it; and the rules prescribed in Section 16, regarding objections that may be offered to the statement of the produce of the estates of contumacious proprietors, which the collectors are therein directed to present to the *zillah* court, are to be held applicable to the statement of the *jumma* payable by defaulting farmers, required to be submitted by the collectors in this section. Decrees that may be passed under this section by the *dewanny adawlut* of any *zillah*, or any provincial court of appeal, or the Sudder Dewanny Adawlut, adjudging the lease of a farmer annulled, shall not be carried into execution in any case whatever, without an order from the Governor General in Council confirming the decree. It shall be at the option of the Governor General in Council, within four weeks after the decree may be received by him, either to order the decree to be executed, or to commute the forfeiture of the lease for such fine as upon a consideration of the situation and circumstances in life of the defaulter, he may think adequate to the offence for which the decree may be passed; or, if the defaulter shall not be desirous of being continued in his farm, to fine him as above prescribed, and compel him to retain the farm during the remainder of the lease, and to hold him and his surety responsible for the discharge of their engagements until the term of them shall expire. If a fine shall be imposed on the defaulter, the court which shall have transmitted the final decree and proceedings to the Governor General in Council, upon receiving notice of the fine, is to levy the amount of it by the same process by which they are directed to enforce decrees of the court, and to pay the amount to the collector of the *zillah*. But if the Governor General in Council shall not within four weeks after the decree shall have been received by him, either order it to be executed, or commute the annulling of the lease for a fine, the decree shall stand good against the defaulter. The process which a collector may institute in the *dewanny adawlut* of the *zillah* under this section, as well as any appeal that may be preferred from the decision of the *zillah* court to the provincial court of appeal, and from the decision of that court to the Sudder Dewanny Adawlut in which the collector may be appellant or respondent, are to be defended or carried on at the public expence, and by the *vakeel* of Government, whom the collector is to furnish with the necessary instructions.

Rule for determining from what decrees of the provincial courts of appeal passed under this section an appeal is to lie to the Sudder Dewanny Adawlut.

Decrees passed under this section not to be carried into execution, without the sanction of the Governor General in Council.

If the lease shall be judged annulled, the Governor General in Council may confirm the decree, or commute the annulling of the lease for a fine within four weeks after he may receive the decree.

If the decree shall be commuted for a fine, how it is to be levied.

Process and appeals under this section to be conducted by the *vakeel* of Government on the part of the collector, and at the public expence.

XX. If the lease of the defaulter mentioned in Section 19, shall be annulled, he shall receive credit for the collections of the *ameen*, after deducting the charges incurred by his deputation which may be admitted; and if any balance shall then remain due from him to Government at the close of the year in which the lease may be cancelled, both he and his surety are to be held responsible for the payment of it, and the collector is to serve the surety with the written demand prescribed in Section 3, for the amount, and in the event of it not being discharged by the time limited in the writing, the collector is to proceed against the surety, and the defaulter also, if he shall be forthcoming and should not have been previously confined, in the manner in which he is directed to proceed in Section 4 and 5, against defaulters who have not discharged a third part of the instalment of any one month by the fifteenth of the ensuing month. If there shall be a surplus after discharging all the demands above mentioned, it is to be paid to the defaulter. The defaulter shall be at liberty to prosecute in the *zillah* court the dependant *talookdars*, under farmers, and *ryots* in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him on account of the period during which his lease remainded in force.

Accounts with the defaulter how to be settled, if the lease should be annulled.

Balance, if any due, to be levied from him and his surety.

Surplus, if any, to be paid to the defaulter.

Defaulter to be at liberty to prosecute dependant *talookdars*, under farmers, and *ryots* for arrears, in the *dewanny adawlut* of the *zillah*.

XXI. If a collector shall issue the process prescribed in section 5, against the surety of any proprietor or farmer of land, to convey him to jail, and such defaulting surety shall refuse to obey, or resist, or cause to be resisted, the *peons* deputed by the collector to

Collector how to proceed, when sureties of proprietors or farmers of land refuse to obey or resist the

convey him to jail, or escape after being taken by them into custody, or abscond, or shut himself up in his own or any house, or in any building, or retire to any place so that the process cannot be served upon him, the collector who may issue the process is immediately to represent the circumstances through the *vakeel* of Government to the *dewanny adawlut* of the *zillah* wherein the lands on account of which the arrears shall be due may be situated; and upon the *peons* deputed to execute the process, or any two or more credible persons, making oath to the truth of the circumstances stated in the representation of the collector, the judge, provided he shall be satisfied in his own mind from such depositions of the witnesses, and their answers upon oath to any questions which he may put to them, that the charge is well founded, is to require the defaulter by a publication in writing to deliver himself into the custody of the court within four weeks, calculating from the day following the date of the publication. The publication is to be written in the Persian and Bengal languages, if the estate or farm on account of which the money may be due from the defaulter shall be in Bengal or Orissa, or in the Persian language, and the Hindoostanee language and Nagree character, if it be situated in Behar; and shall be fixed up as early after the date of it as may be practicable, at his usual place of abode, if it be within the limits of the *zillah*, and in the principal *cutcherree* in the estate or farm, the office of the collector, and the court-room of the *dewanny adawlut*. If the defaulter shall not surrender himself before the expiration of the period limited in the publication, or, if he shall deliver himself up within the prescribed time, and after receiving his answer to the charge, and the evidence that he may have to produce in his defence, and that which the collector may adduce in support of his representation, if it shall be proved to the satisfaction of the court that the defaulter is guilty of the charge, the court shall adjudge him to pay a fine according to the nature of the offence, and his situation and circumstances in life. If the defaulter shall not appeal to the provincial court of appeal within the time limited for preferring appeals to that court in section 12, Regulation V. 1793, the court is immediately to transmit to the Governor General in Council a copy of the decree and of all the proceedings respecting the charge. If the defaulter shall appeal to the provincial court of appeal within the prescribed time, and that court should confirm the decision of the *zillah* court, or, if the cause shall not be appealable to the Sudder Dewanny Adawlut, or if it shall be appealable, and the defaulter shall not lodge an appeal within the time limited for preferring appeals to that court in section 10, Regulation VI. 1793, the provincial court of appeal is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings of the *zillah* court to the Governor General in Council. If an appeal shall be received from the decision of the provincial court of appeal, and the Sudder Dewanny Adawlut shall confirm the decree of the provincial court, they are immediately to transmit a copy of their decree and proceedings, and of the decrees and proceedings received from the provincial court of appeal, to the Governor General in Council. If the judge of the *zillah* court shall decree the charge not proved, he is nevertheless to detain the defaulter in confinement in the same manner as if the process prescribed in section 5, had been duly served upon him, and he had obeyed it; and the collector is immediately to obtain from the court a copy of the decree and proocedings, and transmit them with a letter containing his objections to the decision, to the Board of Revenue, who are to order the collector to appeal from it or not, as may appear to them proper. If that Board should order an appeal to be preferred, and it shall be lodged within the limited time, and the provincial court of appeal should reverse the decision of the *zillah* court, and the cause shall not be appealable to the Sudder Dewanny Adawlut, or, if it should be appealable, and an appeal shall not be preferred within the limited time, the provincial court is immediately to forward a copy of their decree and proceedings in the appeal, and of the decree and proceedings in the *zillah* court, to the Governor General in Council. If the judge of the *zillah* court shall decree the charge proved, and the decision shall be reversed in the provincial court, the collector is immediately to transmit a copy of the decrees and the proceedings of the *zillah* court and the provincial court of appeal, with a letter stating his objections to the decree of the latter court, to the Board of Revenue, who are to order him to appeal the cause to the Sudder Dewanny Adawlut (provided the cause shall be appealable) or not, as they may think proper. If the cause shall be appealed, and the appeal shall be received in the Sudder Dewanny Adawlut, and that court should reverse the decision of the provincial court, and adjudge the defaulter to pay a fine, the court is immediately to transmit

process issued by him under section 5, or escape from the *peons*, or prevent the process being served upon them.

Judge, upon the charge appearing to him well founded, to issue a publication requiring the defaulter to deliver himself up to the court within four weeks.

In what language the publication is to be written, and where and when it is to be fixed up.

Decree to be passed by the *zillah* court, in the event of the defaulter not surrendering himself within the limited period, or of his delivering himself up within the time, and the charge being proved against him.

Court to transmit the decree and proceedings to the Governor General in Council, if the defaulter should not appeal within the prescribed time.

If the defaulter should appeal, and the decision of the *zillah* court be confirmed, the provincial court to transmit a copy of the decree and proceedings to the Governor General in Council, in the event of the defaulter not appealing to the Sudder Dewanny Adawlut, or the cause not being appealable.

Sudder Dewanny Adawlut how to proceed, in case the suit should be appealed to them, and they should confirm the decision of the provincial court.

Collector how to proceed, if the *zillah* court should adjudge the charge not proved.

Rules for cases in which the provincial court of appeal may reverse such decisions of the *zillah* court.

Rules for cases in which the charge may be adjudged proved in the *zillah* court, and the provincial court of appeal shall reverse the decision.

Sudder adawlut how to proceed, in the event of its reversing such decision of the provincial court.

Rule for determining from what decrees of the provincial courts of appeal passed under this section an appeal is to lie to the Sudder Dewanny Adawlut. Decrees passed under this section, not to be carried into execution without the sanction of the Governor General in Council.

transmit a copy of its decree and proceedings, and of the decrees and proceedings received from the provincial court, to the Governor General in Council. And that no doubt may be entertained, from what decrees passed by the provincial courts of appeal under this section, an appeal shall lie to the Sudder Dewanny Adawlut, it is declared, that an appeal shall not lie to the last mentioned court, unless the fine adjudged to be paid by the defaulter, shall exceed one thousand sicca rupees. Decrees that may be passed under this section by the *dewanny adawlut* of any *zillah*, or any provincial court of appeal, or by the Sudder Dewanny Adawlut, adjudging a fine to be paid by a surety, are not to be carried into execution in any case whatever without an order from the Governor General in Council confirming the decree.

Option reserved to the Governor General in Council, of confirming or alleviating the fine, within four weeks after the decree may be received by him.

If the fine shall be confirmed or alleviated, by what court and how it is to be levied.

It shall be at the option of the Governor General in Council, within four weeks after the decree may be received by him, either to order the decree to be executed, or to alleviate the fine. The court which shall have transmitted the final decree and proceedings to the Governor General in Council, upon receiving notice of the fine that may be imposed upon the defaulter, is to levy the amount of it by the same process by which it is directed to enforce decrees of the court, and to pay the amount to the collector of the *zillah*. But if the Governor General in Council shall not, within four weeks after the decree shall have been received by him, either order it to be executed, or alleviate the fine, the decree shall stand good against the defaulter, and the court which shall have transmitted the final decree and proceedings to the Governor General in Council, upon receiving directions for that purpose, is to levy the amount of the fine in the manner above prescribed. The process which the collector may institute in the *dewanny adawlut* of the *zillah* under this section, as well as the appeals that may be preferred from the *zillah* court to the provincial court of appeal, and from the decision of that court to the Sudder Dewanny Adawlut, in which the collector may be appellant or respondent, are to be defended or carried on by the *vakeel* of Government, and at the public expence.

Process and appeals instituted under this section, to be conducted by the *vakeel* of Government on the part of the collector, and to be carried on at the public expence.

At the close of the year, the Board of Revenue are to propose the sale of the lands of proprietors in confinement for arrears.

XXII. If a proprietor of land shall be conveyed to jail by the collector under the powers vested in him by Sections 4 and 5, and the* ameen *directed to be deputed in Section 6, shall not by the close of the year have realized from the estate a sum sufficient for the liquidation of the balance due to Government, and all the admitted charges incurred in consequence of his deputation, the collector is to state the amount of the arrear to the Board of Revenue, who are to report it to the Governor General in Council, and recommend the sale of the lands of the defaulter, or such portion of them as may be sufficient to make good the amount which may be due from him to the public. But no part of this section, or Section 13, is to be construed to preclude the Governor General in Council from ordering the sale of the lands of a defaulting proprietor of land, who may not have instituted a suit to contest the arrears, whether he may be in confinement or not, to be made at any time previous to the close of the year in which the arrears may become due, should it in any case appear to him inexpedient to postpone the sale until after the expiration of it. And at whatever period the sale of the lands of a proprietor in confinement may be ordered to take place, if the arrear shall not have been adjudged to be due from him by a decree of a court of justice, and provided he shall previous to the day of sale, deny the justness of the whole or a part of the arrear under his engagements, and give the security, and otherwise conform to the rules prescribed in Sections 9 and 10, according to the circumstances of the case, the sale of his lands is not to be made until the cause shall be finally decided; and he shall be released, and be considered exactly in the same predicament as the proprietors mentioned in Sections 9 and 10, who may deny the justness of the whole or a part of any demand, immediately upon the writing specified in Section 3, being served upon them. If the sale of the lands shall have been ordered to be made at Calcutta, the proprietor is either to give the required security to the Board of Revenue previous to the day of sale, or to the collector of the* zillah, *eight days prior to the day fixed for the sale, so that there may be sufficient time for him to notify the acceptance of the security to the Board of Revenue. The collector is not to accept of the security unless he shall be satisfied that it is good and sufficient. If he shall accept of the security, he is to forward notice of the acceptance of it to the Board of Revenue in duplicate, by two different posts, to pro-*

Governor General in Council not precluded from ordering the lands of a defaulting proprietor to be sold before the conclusion of the year, whether he be in confinement or not.

Sales of land of proprietors in confinement for arrears which have not been adjudged to be due by a judicial decree whenever ordered to be made, to be suspended, if the proprietor shall deny the arrear to be due, and give the security and otherwise conform to the rules prescribed in Sections 9 and 10.

Where and when such security is to be given, in the event of the sales being ordered to be made at Calcutta or in the zillah.

* This section is rescinded by Section 11. Regulation III. 1794.

vide against the non-arrival of the notice which may be first dispatched. If the sale of the lands shall be ordered to be made by the collector of the zillah, *he is empowered to suspend it, upon such security being delivered to him previous to the sale; but he is immediately to report the circumstances to the Board of Revenue, for the information of the Governor General in Council.*

Collectors how to proceed, if an arrear of revenue shall be due from a farmer of land at the close of the year, whether he be confined or not.

XXIII. If a farmer of land shall be confined in jail by the collector, under the powers vested in him by Sections 4 and 5, and the *ameen* shall not by the close of the year, have realized from the farm, a sum sufficient for the liquidation of the balance due to Government, and all the admitted charges incurred in consequence of his deputation; or if any balance shall remain due at the close of the year, from any farmer who may not be in confinement, the collector is to demand the payment of it from the surety, and also from the defaulter, and in the event of it not being discharged by the period by which it may be required to be liquidated, in the written demand that is to be served upon the surety, the collector is to proceed against the defaulter, (if he shall not have been previously confined for the demand,) and his surety, in the manner in which he is directed in Sections 4 and 5, to proceed against defaulters who may not have discharged a third part of the instalment of any one month by the fifteenth of the ensuing month: and it shall be optional in the Governor General in Council, either to cancel the lease from the commencement of the year following the year for which the balances on account of which the defaulter and his surety may be confined, or to compel them to perform the conditions of the lease, until the term of it shall expire. If the Governor General in Council shall annul the lease, the defaulter is to be at liberty to prosecute the dependant *talookdárs*, under farmers, or *ryots*, in the lands included in the farm, for any arrears of rent or revenue that may be due from them to him, on account of the period during which his lease remained in force.

Collector to attach lands of sureties, whom he may proceed, to confine, sufficient to answer the demand against them.

How the collector is to proceed, if the surety possesses no lands in his *zillah*.

XXIV. When a collector shall proceed to confine the surety of any proprietor or farmer of land, in the cases authorized in this regulation, he is immediately to cause such portion of the defaulter's lands, as he may estimate to be sufficient to make good the amount of the demand, in the event of their being sold, to be attached under the rules prescribed in Section 6, for the attachment of the lands of defaulting proprietors. If the surety shall not possess any landed property in his *zillah*, the collector is to depute an *ameen* into the *zillah* in which the defaulter may have landed property, with a letter stating the amount of the demand on him, and the property to be attached. The collector of such *zillah* is immediately to order a *peon* to point out the property to the *ameen*, who is to keep it in attachment, until the Board of Revenue shall have obtained the sanction of the Governor General in Council for the sale of it. The *ameen* is to apply the amount of the collections from the lands, after deducting the expences of his establishment, towards the discharge of the public revenue, which he is to pay to the collector of the *zillah* in which the lands may be situated. If any surplus shall remain after making good the public dues, it is to be appropriated towards the discharge of the demand, on account of which the attachment of the lands may have been made. If the property of the surety that may be attached shall be too inconsiderable to admit of its being charged with the expence of an *ameen*, the collector to whom the money due from the surety may be payable, is to apply to the collector of the *zillah* in which the lands may be situated, to order the nearest *tehsildar* or native officer employed under him in the business of the collections, to take charge of the lands, and the collector to whom the application shall be made, is to comply with it, and the *tehsildar* or native officer to whose charge he may commit the lands, is to perform the duties prescribed to the *ameen* in Section 6, and under the same restrictions and penalties. The collector of the *zillah* in which the lands may be situated, is not to be liable to any prosecution on account of the attachment; but the collector in conformity to whose application the attachment may take place, is to be responsible for the consequences, in the same manner as if the lands had been situated in his own *zillah*. The Board of Revenue are to apply to the Governor General in Council, for his sanction for the sale of the lands belonging to the surety, either during the course of the year in which they may be attached, or after the close of it, as they may deem advisable.

Board of Revenue to apply for permission to sell the lands of the surety.

Collector to depute an ameen *to sequester lands ordered to be sold.*

Duties of the ameen.

XXV. When lands are ordered to be sold under this regulation, the collector (unless the lands shall have been previously committed to the charge of an* ameen, *or* tehsildar, *or other native officer, in which case such officer is to perform the duties hereafter specified in this section) is immediately to depute an* ameen, *with instructions to hold the lands in attachment; collect the rents and revenues, under the rules and restrictions prescribed regarding lands under attachment in Section* 6; *prevent waste being committed by the defaulter; and furnish any information that may be required for the adjustment of the* jumma *to be assessed on the lands directed to be sold. If the property ordered to be sold shall be too inconsiderable to admit of its being charged with the expence of an* ameen, *it is to be committed to the nearest* tehsildar, *or other officer, employed under the collector in the business of the collections, who is to perform the duties prescribed to the* ameen, *and under the like restrictions and penalties.*

Where sales of land that may be ordered to take place under this regulation shall be made.

Publication of the notice of such sale where to be made, and what it is to contain.

XXVI. Sales of land that may be ordered to take place under this regulation, are to be made by the collector of the zillah *in his public office, or at Calcutta, in the office of the Board of Revenue, under the superintendence of their secretary, according as the Governor General in Council may direct. Previous to any such sale taking place, a publication is to be made in the Persian and Bengal languages, if the lands shall be situated in Bengal or Orissa, or in the Persian language, and in the Hindoostanee language and Nagree character, if the lands shall be in Behar, specifying the* jumma *at which the lands, or each lot of them, if they are ordered to be sold in two or more lots, will be disposed of, and the place, date, and hour of the day, fixed for the sale, and the proportion of the revenue payable on account of the year in which the sale of the lands may take place, for which the purchaser is to be responsible, or, if the exact proportion cannot be ascertained, the rules by which the amount of it is to be adjusted. The publication is to be fixed up in some conspicuous place in the court-room of the* dewanny adawlut *of the* zillah, *the office of the collector, the principal town or village in the lands to be sold, and the office of the secretary to the Board of Revenue. The publication is to be fixed up at the several places above mentioned, for a term not less than one month before the sale takes place. All expences attending the sale, and the appointment of the* ameen *directed to be deputed by Section* 25, *are to be deducted from the proceeds of the sale. The other conditions of sale contained in Sections* 27 *and* 28, *as well as any other stipulations that may be made, are to be fixed up in a conspicuous part of the room in which the sale may be directed to take place, on the day of sale, and during the three days preceding it.*

Expences of the sale from whence to be defrayed.

Remaining conditions of sale, where and for what period to be fixed up.

Penalty for purchasers not paying the purchase money by the stipulated period.

How such penalty is to be levied.

XXVII. A deposit of five per cent. on the amount of the purchase money, is to be made at the time of the sale by every purchaser of land that may be disposed of under this regulation. If the purchaser shall omit to discharge the purchase money within the period which may be stipulated, he is to forfeit the deposit to Government, and the lands are to be resold at his expence. If the lands shall be disposed of at a lower price than that offered by the first purchaser, he is to make good the deficiency. If a profit shall arise on the second sale, it is to be carried to the credit of the defaulter; or of Government, if the lands be sold on the public account under Section 18. *If the first purchaser shall refuse or omit to make the deposit, or to pay within the required time, the amount of the deficiency, and the expences arising on the resale, after being served by the collector of the* zillah *in which he may be or reside, or by the Board of Revenue, if he shall be in Calcutta, with a written demand for the amount, similar to that directed in Section* 3, *to be served on proprietors and farmers of land from whom arrears of revenue are due, such defaulting purchaser shall be considered exactly in the same predicament, as sureties of proprietors or farmers of land, who omit or refuse to discharge any sum of money due from them, and he is to be proceeded against accordingly by the collector of the* zillah *in which he may be or reside.*

Purchasers of lands under this regulation, not to be responsible for arrears or suspensions, on account of former years, unless otherwise stipulated in the conditions of sale.

XXVIII. The purchasers of lands sold under this regulation, are not to be held responsible for any arrears or suspensions of revenue that may be due to Government from the lands prior to the year in which the purchase may be made, unless it shall be otherwise stipulated in the conditions of sale. Arrears or suspensions not so stipulated to be

Sect. 25. to 28. rescinded by clause first, Section 2, Regulation XI. 1822.

made

Be made good by the purchaser, are to be paid by the former proprietor, and recourse is to be had to the remainder of his real, or to any other property which he may possess, or to the confinement of his person, or to both his person and property, for the recovery of the amount. Arrears of rent or revenue that may be due to the defaulting proprietor from his dependant talookdars, *under farmers, or* ryots, *preceding the date on which the lands may be sold, are to belong to him, and are to be recoverable by him by suit in the* dewanny adawlut *of the* zillah. *The defaulting proprietor, however, shall be at liberty to transfer his right to such arrears to the new proprietor.*

By whom such arrears and suspensions are to be made good.

XXIX. Any person confined for arrears of revenue, or other demands of Government, under this regulation, either pursuant to a judicial decree, or without such decree, is to be at liberty to apply to the judge of the court of *dewanny adawlut* of the *zillah*, by the collector of which he may have been confined, to require such collector to show cause why he is continued in confinement. If the person making such application shall be confined under a decree passed by the Sudder Dewanny Adawlut, or of the *zillah* court, or the provincial court of appeal, and the time prescribed for appealing from the decision shall have elapsed, the judge is not to enter into the merits of the case, but only to enquire, whether the prisoner has discharged the amount of the decree, and the sums which may have become due from him subsequent to his confinement. If the prisoner shall not be confined under a judicial decree, but under the process which the collectors are empowered by this regulation to issue for conveying persons to jail for claims of Government, and he shall dispute the justness of the demand, the judge is not to enquire into the merits of the case, but is to leave the prisoner to prosecute the collector under Section 12, which is hereby extended to demands on sureties, and purchasers of land, as far as it can be applied to them. If, however, the prisoner shall admit the justness of the demand for which he was confined, as well as any other claims that may be made upon him, for sums stated to have become due from him subsequent to his confinement, and shall assert that the whole of such sums have been discharged by him, the judge is to proceed to enquire, whether the prisoner has actually paid such sums or not. Upon examination of the prisoner's accounts of his payments, (which examination is to be considered as a continuation of the original suit or process, and not as a new suit or process,) if it shall appear to the judge that the demands for which he may be in confinement have been liquidated, he is to release him, upon his giving security to make good any sum which the collector may state to be still due from him, in the event of the cause being appealed, and the sum being awarded in favour of Government. If the collector shall not object to the adjustment of accounts made by the court, or, if he shall object to them, and the person confined shall omit to give the security above required, and the collector shall not appeal within the time limited for preferring appeals, the judge is to release the prisoner without taking any security. If it shall be found that the whole, or a part of the sum for which such person may be in confinement, remains undischarged, and he shall acquiesce in the adjustment of accounts made by the court, and shall have been confined on account of such demand for a term exceeding one year, the judge is empowered to release him, upon his giving good security to pay the sum remaining due from him, by instalments during the course of one year after his release. The collector, and the prisoner, are to be allowed to appeal from the decision which may be passed by the court under this section, in the event of either of them being dissatisfied with it, under the rules regarding appeals prescribed in Regulations V. and VI. 1793. The rules prescribed to collectors in Section 30, regarding the decisions therein specified, are to be considered applicable to all decisions passed under this section.

Judges empowered to require collectors to show cause, why a defaulter is continued in confinement under a judicial decree, and how to proceed in such cases.

Rule applied where a person is confined without a judicial decree.

XXX. Upon a decision being passed in the *dewanny adawlut* of any *zillah*, by which the whole, or any part, of a sum of money that may have been demanded, or actually received, by a collector, as an arrear of revenue under this regulation, from any proprietor or farmer of land, shall be adjudged not to be due, the collector is to apply immediately to the court, through his *vakeel*, for a copy of the proceedings and decree. The court is to order copies of the proceedings and decree to be delivered to the collector with all practicable dispatch. The collector is to forward the papers, without delay, to the Board of Revenue, with a letter stating his objections to the decree. If the Board shall be of opinion that the decision is not well founded, they are to authorize the collector to appeal the cause to the provincial court of appeal.

Collector how to proceed, in case of his being cast in a prosecution instituted against him in the *zillah* court, on account of sums demanded or received by him as arrears of revenue.

appeal. If that court shall confirm the decision of the *zillah* court, the collector is to apply for, and the court is to grant, a copy of their proceedings and decree in appeal, exclusive of the decree and proceedings received from the *zillah* court. The collector is to forward the decree and proceedings of the provincial court, to the Board of Revenue, with a letter containing his objections to the decree of that court. If the Board shall be dissatisfied with the decision of the provincial court of appeal, and the cause shall be appealable to the Sudder Dewanny Adawlut, they are to direct the collector to prefer an appeal to that court. If the Board of Revenue are satisfied with the decision of the provincial court of appeal, they are to direct the collector not to prefer an appeal to the Sudder Dewanny Adawlut. In all cases in which the Board of Revenue may order the collector to prefer an appeal to the provincial court, the collector is to be indemnified by Government, for all costs and damages that may have been awarded against him by the *zillah* court. On the other hand, if the Board of Revenue shall deem the decision of the *zillah* court equitable, and not direct an appeal, the collector is to defray all the costs and damages that may have been awarded against him in that court. The collector is nevertheless to be at liberty to appeal the cause, but at the risk of paying all costs and damages that may be adjudged against him in appeal, in the event of his being ultimately cast. Appeals in which the collectors may be engaged, either in the provincial court of appeal, or the Sudder Dewanny Adawlut, in consequence of orders from the Board of Revenue, are to be carried on by the *vakeel* of Government, and at the public expence.

Collectors to be indemnified for all expences incurred in suits in the *zillah* court, from the decision on which the Board of Revenue may direct an appeal.

XXXI. If a collector shall be prosecuted under Sections 9, 10, 12, 14, 22, or 29, and the prosecutor shall be cast, or be dissatisfied with the decision of the judge of the *dewanny adawlut* of the *zillah*, and appeal to the provincial court of appeal, the collector is to appoint one of the *vakeels* of the court to plead the cause. If the decree of the *zillah* court shall be confirmed, or the appellant should be dissatisfied with the decision of the provincial court of appeal, and appeal to the Sudder Dewanny Adawlut, and an appeal should be admitted, the collector is to appoint one of the pleaders in that court to defend the suit. If the provincial court of appeal shall not confirm the decision of the *zillah* court, the collector is to apply to the provincial court for a copy of the proceedings and decree of the *zillah* court, and of their proceedings and decree in the appeal. The courts are to furnish the collector with these papers with all practicable dispatch, and the collector is to forward them to the Board of Revenue, with a letter stating his objections to the decree in appeal. If the Board shall be of opinion that the decree of the provincial court is not well founded, they are to authorize the collector to appeal to the Sudder Dewanny Adawlut. If the Board shall see no ground for appealing from the decision of the provincial court of appeal, the collector is nevertheless to be at liberty to prefer an appeal to the Sudder Dewanny Adawlut, but at the risk of paying all the costs and expences which may be awarded against him by that court, in the event of his being cast. All appeals that may be preferred by the collector to the provincial court of appeal, or to the Sudder Dewanny Adawlut, or in which he may be respondent, under this section, agreeably to the orders of the Board of Revenue, are to be carried on at the public expence, and conducted by the *vakeel* of Government, who is to be furnished with the necessary instructions for that purpose by the collector.

If persons prosecuting under Sections 9, 10, 12, 14, 22, or 29, shall be cast and appeal, the collector is to nominate one of the *vakeels* of the provincial court of appeal, to defend the appeal. If the decision of the *zillah* court should be confirmed, and the cause be appealed to the Sudder Dewanny Adawlut, and an appeal be admitted, the collector is to appoint one of the *vakeels* of that court to defend the appeal. Collector how to proceed, if the provincial court should not confirm the decision of the *zillah* court. Board of Revenue to order the collector to appeal, if they think the decision of the provincial court not well founded. If the Board of Revenue shall not direct an appeal, the collector is to be at liberty to appeal, but at his own risk. All appeals preferred by the collector under this section, agreeably to the orders of the Board of Revenue, to be carried on by the *vakeel* of Government, and at the public expence.

XXXII. In every case, in which a collector may be prosecuted in the *dewanny adawlut* of the *zillah* under this regulation, for sums demanded or received by him on behalf of Government, from any proprietor or farmer of land, or from any surety, or from any purchaser of land; or for any sums demanded, or received, or taken by him, directly or indirectly, for his own use, from any of the abovementioned descriptions of persons, over and above what he may be entitled to demand on behalf of the public; or for any acts done in his official capacity that may be repugnant to this regulation, or which may not be warranted by it, and in appeals that he may have preferred without the orders of the Board of Revenue, he is to appoint any of the authorized *vakeels* of the court before which the suit may be brought, to plead the cause.

Collectors to appoint *vakeels* of the *zillah* court to defend suits preferred against them under this regulation, and to nominate *vakeels* of the courts of appeal to carry on appeals which they may have preferred without the orders of the Board of Revenue.

XXXIII. In prosecutions that may be instituted in the *dewanny adawlut* of any *zillah* against the collector of the *zillah*, for sums of money demanded, or directly or indirectly received or taken by him for his own use from any proprietor or farmer of land, or any surety, or any purchaser of land; or for any acts done in his official capacity that may be repugnant

What suits instituted against a collector under this section, are to be considered of a personal and private nature, and how he is to defend them.

nant to this regulation, or which may not be warranted by it, and that shall not involve any claims to sums received or demanded by him on behalf of Government, in conformity to this regulation, (which claims are to be made the subject of distinct suits, and are to be tried in the manner and under the rules prescribed in this regulation,) the collector is not to forward the proceedings and decree to the Board of Revenue. The suit is to be considered entirely as a dispute of a private nature, between the collector and the prosecutor, and the collector is to defend it at his own risk and expence, in the same manner as individuals amenable to the courts, and not employed by Government, are required to defend suits instituted against them.

Collectors not to derive any pecuniary advantage from suits in which they may be engaged, except in the cases specified in section 33.

Nor to suffer any loss, if their conduct is determined to be conformable to the regulations.

Collectors to bring to account all costs and damages that may be adjudged to them, with the exception above specified.

Collectors to issue from the public treasury, and to insert at the foot of their accounts, the expences of suits that are at all events to be defrayed by Government, as well as the expences of suits that may be ultimately defrayable by Government; but not to insert such expences in their accounts, without the sanction of the Board of Revenue.

XXXIV. The collectors are not to derive any pecuniary advantage whatever, from suits that they may institute, or which may be preferred against them in any of the courts of justice in their official capacity, with the exception of suits in which they may be engaged under section 33, the sums awarded to them in which they are to apply to their own use. On the other hand, it is not intended that the collectors should sustain any loss in levying the dues of Government, in cases in which their conduct may be adjudged by a final judicial decree, to be conformable to this regulation. The collectors are accordingly to bring to the credit of Government in their monthly accounts, all sums whatever, (with the exception above specified,) that may be adjudged to them as costs or damages by any of the courts of civil justice; and they are to insert at the foot of their monthly accounts, or in a separate account, or in their monthly accounts under a distinct head, according as the Board of Revenue may deem advisable, all sums which they may disburse in conformity to this regulation, on account of process or suits directed to be carried on by the *vakeel* of Government, the costs and damages in which are expressly directed to be defrayed by the public, or in suits, the costs and damages in which may be ultimately defrayable by Government, but for which the collectors are directed to be held responsible in the first instance. But they are in no case to charge these disbursements in their accounts, without previously obtaining the special sanction of the Board of Revenue for that purpose. Until such sanction is procured, the collectors are to be held answerable for the disbursements.

Board of Revenue to report to the Governor General in Council, any cases in which a collector may have been compelled to pay costs or damages, and for which they may be of opinion he ought not to be made responsible.

XXXV. If a collector shall have been compelled to pay costs or damages in any suit under this regulation, and upon his stating the case to the Board of Revenue, it shall appear to them, upon a consideration of the circumstances of it, that he ought not to be made responsible for the amount, the Board are to transmit the case to the Governor General in Council, who will determine whether the collector shall be made responsible for such costs or damages or not.

Cases in which security is to be demanded from collectors for costs or damages, or for the performance of decrees of the court.

XXXVI. Security is not to be demanded from the collectors for their personal appearance, in any suit in which they may be engaged under this regulation. Nor shall any security be required from them for the payment of costs, or for the performance of the decrees or orders of the court, in suits which are directed by this regulation to be carried on by the *vakeel* of Government, and at the public expence. In suits for sums demanded or received by the collector on behalf of Government, for the costs and damages in which he is declared eventually responsible, the courts are to require the same security from the collector for the payment of the costs and damages, as would be taken in similar cases from individual suitors; but they are not to require any security from him, for the performance of their decrees respecting the sums which may constitute the subject of the suits, as Government will be answerable for the due performance of them. In the suits described in Section 33, which may be instituted against the collector, he is to give the same security for the payment of the costs, and the performance of the decrees and orders of the courts, as would be required from individual suitors in similar cases. If a collector shall refuse or omit to pay within the the limited period, any sum of money that may be ordered to be levied from him, either on account of the suits described in Section 33, or as costs of damages in any other suits, for the expences incurred in which he is declared eventually responsible, the court is to levy the amount from his surety by the customary process. If the court shall not be able to obtain payment from his surety, the judge is to report the circumstances to the Governor General in Council, who will order the amount to be paid from the public treasury, and deduct it from the allowances which may be receivable by the collector from Government. In all other cases, if a collector shall omit or refuse to obey any order or decree of a court of judicature, the court from which the process shall have issued, is to fine him according to the nature

Courts how to proceed in the event of a collector omitting or refusing to obey any order or decree.

nature of the offence. In the event of the collector refusing or omitting to pay the fine, the court is to report the circumstances to the Governor General in Council, who, provided he shall approve of the fine, will order the amount to be stopped from the allowances which may be receivable by such collector from Government.

Board of Revenue to issue instructions to the collectors, regarding the mode of inserting or noting in their accounts, their receipts and disbursements in the suits herein mentioned, and to require such vouchers for the sums as they may think proper.

XXXVII. The Board of Revenue are to issue such instructions as they may think advisable to the collectors, regarding the mode of inserting in their monthly accounts, the sums which may be paid to them as costs and damages, in consequence of the orders or decrees of any of the courts of civil judicature, or noting at the foot of their accounts, or charging under a separate head in their monthly accounts, the sums which they may disburse as costs or damages which are expressly directed to be defrayed by Government, whatever may be the final decision in the cause, or that may be ultimately defrayable by Government, although in the first instance the collectors are to be held responsible for them; and to require such vouchers as they may deem necessary for such receipts and disbursements, as well as for the sums which the courts may adjudge to be repaid from the public treasury, or not to be due to the public.

Process issued against collectors under this regulation, how to be served.

XXXVIII. When any process or order shall be issued by any of the courts of civil judicature to the collector of a *zillah*, in suits instituted under this regulation, the register of the court immediately serving the process or order, is to transmit it under a cover sealed in the form of a letter, and superscribed with his name and official appellation, and addressed to the collector. The collector is to acknowledge the receipt of the process or order, on the day on which he may receive it, by a letter addressed to the register of the court by which it may have been served.

Collectors allowed to forward instructions to their *vakeels* in the courts of appeal, by the dawk free of postage.

Instructions to be sealed and inclosed under a sealed cover addressed to the register of the court.

XXXIX. To facilitate the communication between the collectors and the *vakeels* in the provincial courts of appeal, and the Sudder Dewanny Adawlut, who may be intrusted with the conduct of any appeals, (including appeals from the decisions in the suits described in Section 33,) in which they may be engaged under this regulation, either whilst they may continue in the office of collector of the *zillah* in which such suits may have arisen, or after their removal from the office, the collectors are permitted to forward free of postage, any instructions which they may have to transmit to the *vakeels* of such courts. The instructions are to be enclosed under a cover, sealed, and directed to the *vakeel*. The instructions, so sealed and directed, are to be transmitted under a sealed cover, addressed to the register of the court in which the cause may be depending, and superscribed with the name and official appellation of the person dispatching it. The register of the court, immediately upon receiving the instructions, is to deliver them sealed to the *vakeel* to whom they may be directed.

Persons removed from the office of collector, and having suits depending in the *zillah* court, empowered to forward instructions to their *vakeels* by the public dawk, and through the register of the court.

Vakeels in any of the courts employed by collectors under this regulation, empowered to forward papers to their constituents free of postage, through the register of the court in which the cause may be depending.

Sums advanced as *tuccavy*, or *poolbundy*, &c. to be recovered under this regulation, in the same manner as arrears of revenue.

Any person who may be removed from the office of collector of a *zillah*, and may have suits depending in the *dewanny adawlut* of such *zillah*, after his removal from the office, is likewise empowered to forward instructions to his *vakeel* through the register of the court. In like manner the *vakeels* in any of the courts to whom the pleading of suits may be committed under this regulation, by persons holding the office of collector, or after they have been removed from the office, are authorized to forward any papers which they may have to convey to their employers, by the public dawk free of postage. The papers are to be enclosed in a cover sealed with the seal of the *vakeel*, and the register of the court is to transmit the papers so sealed, in a cover addressed to the person to whom they are to be forwarded, and superscribe the cover with his official signature.

XL. Arrears of *tuccavy*, or any money advanced by Government to proprietors or farmers of land, for making or repairing embankments, reservoirs, or water courses, or other improvements to their estates or farms, are to be recovered by the same process as is prescribed for exacting payment of arrears of revenue, and under the same rules and restrictions as far as they may be applicable.

Collectors not to be liable to prosecution for the acts of their predecessors.

What suits persons removed from the office of collector, are bound to prosecute or defend after their removal.

XLI. No collector is to be liable to prosecution for any official acts of his predecessor. But persons who may be removed from the office of collector of the revenue of a *zillah*, are to carry on, in the same manner as if they had continued in the office, all suits of the nature of those described in Section 33, in which they may be engaged, and all suits preferred against them in the *zillah* courts, for sums that they may have demanded or received on behalf of Government, and for the costs and damages in which they are declared eventually

 answerable;

answerable; as well as all suits, being appeals from decisions in suits of the last mentioned description, excepting such of those appeals as they may have preferred, or in which they may have become a party, in consequence of orders from the Board of Revenue.

Collectors to carry on the unfinished suits and process herein specified, which may have been instituted under their predecessors.

XLII. If the collector of a *zillah* shall die, or be removed from his office, his successor is to carry on all unfinished process or suits in the court of *dewanny adawlut* of such *zillah*, directed by this regulation to be conducted by the *vakeel* of Government, and at the public expence; and all appeals from the decrees of the *zillah* court, or the provincial court of appeal in such cases; as also all appeals from the decrees of the *zillah* court, or the provincial court of appeal, in which the former collector may have been engaged, in consequence of orders from the Board of Revenue, and which are ordered to be pleaded by the *vakeel* of Government, and at the public expence.

Cases in which the Board of Revenue are to take upon themselves the prosecution or defence of appeals in the Sudder Dewanny Adawlut.

XLIII. In cases in which the Board of Revenue may judge it expedient, or in which they may receive orders for the purpose from the Governor General in Council, they are to take upon themselves the superintendence of the prosecution, or defence of any appeal, in the Sudder Dewanny Adawlut, which a collector may prefer, or be engaged in, pursuant to their orders, instead of leaving the superintendence of the appeal to him.

If the proceeds of the sale of the *malguzarres* lands of any defaulter are not equal to the demand against him, his other property to be sold to make good the deficiency.

XLIV. If the lands subject to the payment of revenue to Government, belonging to any defaulting proprietor or farmer of land, or any surety, or purchaser of land, which may be sold under this regulation, shall not produce a sum sufficient for the liquidation of the public demand, any other real or personal property which the defaulter may possess, is to be attached and sold to make good the deficiency, under the same rules as his lands subject to the payment of revenue to Government are directed to be sold, as far as those rules may be applicable to such property. And if any property shall be attached, and ordered to be put up to sale, and the sale shall be countermanded in consequence of the proprietor discharging the claim upon him, or other cause, he is nevertheless to be held responsible for all expences that may be incurred in consequence of the attachment of the property, in the same manner as if the sale of it had taken place; and in the event of his omitting to discharge the amount, it is to be levied by the same process, as the demand for which the property originally ordered to be sold, may have been directed to be levied.

Expences attending the attachment of property ordered to be sold, but the sale of which may be countermanded, to be defrayed by the proprietor.

How the process in Section 5, is to be served on defaulters, being or residing in the cities of Patna, Dacca, Moorshedabad, or Calcutta.

XLV. If any proprietor or farmer of land, against whom the collector may issue the process specified in Section 5, shall be or reside in either of the cities of Patna, Dacca, or Moorshedabad, the collector is to order the two *peons* whom he may charge with the writing for the apprehension of the defaulter, to proceed to the judge of such city, who is to order a *peon* to accompany them, to point out the place of residence of the defaulter. The two *peons* are to take the defaulter into custody, and convey him to the jail of the *dewanny adawlut* of the city in which they may so apprehend him. The remainder of Section 5, with regard to cases in which defaulters shall not reside or be within the limits of the *zillah* wherein the lands on account of which the arrears may be due shall be situated, is to be considered equally applicable, as if the defaulter had been apprehended in any *zillah*, instead of in such city. If any defaulter of either of the descriptions before mentioned in this section, shall be or reside within the limits of the town of Calcutta, the collector is to forward the written demand for the amount claimed from the defaulter to the Board of Revenue, who are to submit it to the Governor General in Council. Upon the receipt of the writing, the Governor General in Council will either order the defaulter to be apprehended, and conveyed to the jail of the *dewanny adawlut* of the *zillah* from the collector of which the written demand may have issued, or adopt such other measures as may appear to him proper. If the Governor General in Council shall cause the defaulter to be apprehended, and conveyed to the jail of the *dewanny adawlut* of the *zillah* above mentioned, he is thenceforward to be considered exactly in the same predicament, as if he had been apprehended within the limits of such *zillah*, and conveyed to jail by the collector of it, under Section 5.

Zillah courts how to proceed in cases in which persons may dispute the validity of the engagements under which demands may be made upon them by the collectors, or have any objections to make to the en-

XLVI. If a proprietor, or farmer of land, or a surety, or a purchaser of land, shall deem himself aggrieved under this regulation, by any act which may be done by a collector, in conformity to special orders from the Governor General in Council, or the Board of Revenue; or if a collector shall demand a sum of money under this regulation, on behalf of Government, from any of the abovementioned descriptions of persons, and the stated defaulter shall admit the demand to be conformable to the engagements or stipulations under which the

gagements, either wholly or partially, under the Regulations, or deem themselves aggrieved by acts done by the collector, in conformity to special orders from the Governor General in Council, or the Board of Revenue.

the collector may make the demand, but deny their validity, or have any objections to make to them either wholly or in part, under any regulations passed by the Governor General in Council, the collector is not to be liable to any prosecution on account of such act, or the demands that he may make conformably to such engagements or stipulations, which are to be held valid, until they are set aside, or altered, by a final judicial decision; and the proprietor, or farmer of land, or surety, or purchaser of land, is to discharge the demands that may be made upon him by the collector under such engagements or stipulations, until the decision shall be passed. In the cases above specified, Government is to be considered as a party in the cause with its subjects, and the proprietor, or farmer of land, or the surety, or purchaser, is to present a petition to the judge of the *dewanny adawlut* of the *zillah* in which the cause may be cognizable, stating his objections to the act, or to the engagements or stipulations, and praying that the Governor General in Council will order the *dewanny adawlut* of the *zillah*, to try the points or matters contested under the Regulations. The judge to whom the petition may be presented, is to forward it immediately to the Governor General in Council, who, provided he shall not think it proper to afford the redress that may be solicited by the petitioner, and the courts of justice shall be competent to try the cause, will direct the court in which it may be cognizable, to proceed to the trial of it. If the Governor General in Council shall order the cause to be tried, the judge of the court is to send a written notification of the order to the complainant, and the cause is to be considered as filed in the court, from the date of the notification. The court is then to proceed to try the suit, under the same rules and regulations as are prescribed for the trial of suits between individuals. The collector of the *zillah* is to carry on, under the orders of the Board of Revenue, all suits that may be instituted against Government in conformity to this section, and to issue the necessary instructions to the *vakeel* of Government in the *zillah* court, and in the provincial court of appeal, or Sudder Dewanny Adawlut, should the cause be appealed to the former, or both of those courts. In the event of Government being cast in the *zillah* court, or in the provincial court of appeal, the collector is to send copies of the decree, and proceedings of the court, (which are to be delivered by the court to the collector, as soon as may be practicable upon his applying for them,) with a letter stating his objections to the decision, to the Board of Revenue, who are to submit them, with their opinion on the case, to the Governor General in Council, who will order an appeal to be preferred from the decision or not, as he may deem advisable. All costs and damages that may be awarded against Government, in suits instituted under this section, are to be defrayed from the public treasury.

Rules in this regulation regarding collectors, to be held applicable to acting collectors.

XLVII. The rules respecting collectors contained in this regulation, are to be considered equally applicable to the assistants of collectors, or other persons who may be appointed by the Governor General in Council to officiate as collector of any *zillah*, during the temporary absence of the collector, or whilst the office may be vacant.

Joint proprietors of estates committed to the charge of a manager, not to be confined under this Regulation for demands of Government.

Lands of disqualified proprietors committed to the charge of a manager, not to be sold for demands of Government, nor their persons to be confined, under this Regulation. Female proprietors not to be confined, or required to attend in person in any case whatever. Other proprietors and farmers of land, not to be taken into custody, or required to attend in person, except in the cases herein mentioned. Demands of Government due from female proprietors, exempted from the operation of Regulation X. 1793, and from proprietors of joint undivided estates, under charge of a manager, how to be recovered.

XLVIII. No part of this regulation is to be construed to authorize the confinement of the person of any joint proprietor of an estate committed to the charge of a manager, under Sections* 23, 24, 25, 26, *Regulation* VIII. 1793. Nor the confinement of the persons, or the sale of the lands, of disqualified proprietors, whose estates may be entrusted to a manager under Regulation X. 1793, for arrears of public revenue incurred whilst their respective estates were under the charge of managers, in conformity to the rules contained in the two regulations above mentioned. Nor to empower the collectors to take a female proprietor of land into custody, or order any such proprietor to attend them in person, under any pretext whatever. Nor to take into custody, or require the personal attendance of any proprietor of land, with whom a settlement has been or may be concluded, or any farmer of land or his surety, except in the cases specified in this regulation, in which they are expressly authorized to issue process against their persons. Arrears of revenue that may become due from female proprietors of entire estates, who may be exempted from the operation of Regulation X. 1793, and acknowledged as the ostensible managers of their own lands, and from proprietors of joint undivided estates committed to the charge of a manager, in conformity to Sections 23, 24, 25, 26, Regulation VIII. 1793, are to be recovered by the sale of their lands, or any other property which they may possess.

* This sentence is virtually repealed by Regulation XVII. 1805.

A. D. 1793. REGULATION XV.

A REGULATION *for fixing the Rates of Interest, on past and future Loans.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793*; corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

THE late regulations regarding interest, on past and future loans, not providing for cases in which a higher interest than the general legal rates is allowed to be taken, the following rules, containing provisions for such cases, and including the abovementioned regulations, with modifications, have been enacted.

Rates of interest to be decreed where the cause of action shall have arisen before the 28th March 1780, and may not exceed one hundred Sa. Rs. or, may exceed that sum.

II. *First.* If the cause of action shall have arisen before the twenty-eighth day of March one thousand seven hundred and eighty, the courts of civil judicature are not to decree higher or lower rates of interest than the following:—

Second. On sums not exceeding one hundred sicca rupees; three rupees, and two annas, per cent. per mensem, or thirty-seven rupees, and eight annas, per cent. per annum.

Third. On sums exceeding one hundred sicca rupees; two per cent. per mensem, or twenty-four per cent. per annum.

Rates of interest to be decreed where the cause of action shall have arisen between the 28th March 1780, and the 1st January 1793, and may not exceed one hundred Sa. Rs. or, may exceed that sum.

III. *First.* If the cause of action shall have arisen at any period between the twenty-eighth day of March, one thousand seven hundred and eighty, and the first day of January, one thousand seven hundred and ninety-three, no higher or lower rates of interest than the following are to be decreed:—

Second. On sums not exceeding one hundred sicca rupees; two per cent. per mensem, or twenty-four per cent. per annum.

Third. On sums exceeding one hundred sicca rupees; one per cent. per mensem, or twelve per cent. per annum.

Twelve per cent. to be decreed, if the cause of action shall have arisen after the 1st of January 1793.

IV. If the cause of action shall have arisen on or after the first day of January, one thousand seven hundred and ninety-three, the courts are not to decree any interest on any sum whatever, above the rate of twelve per cent. per annum.

Lower rates of interest than those authorized in Sections 2, 3, and 4, to be decreed, if stipulated between the parties.

V. If in any of the cases specified in Sections 2, 3, and 4, a lower rate of interest than any of the rates therein authorized to be awarded, shall have been stipulated between the parties, no higher rate of interest than the rate so stipulated, is to be decreed.

Courts not to decree a greater sum for interest, than the amount of the principal, in any case.
Exception.

VI. If the interest on any debt, calculating according to the rates allowed by this regulation, shall have accumulated so as to exceed the principal, the courts are not in any case whatever, (excepting the cases specified in Section 12,) to decree a greater sum for interest than the amount of such principal.

Compound interest on intermediate adjustments of accounts not to be allowed.
To what cases this rule is not to extend.

VII. The courts are not to decree any compound interest, arising from intermediate adjustments of accounts. This rule, however, is not to extend to cases in which accounts between the parties shall have been adjusted, and the former bonds or agreements cancelled,

and

and new bonds or agreements taken, for the aggregate amount of the principal, and the legal interest remaining due upon the adjustment, consolidated into principal.

Cases in which the interest on bonds or instruments executed on or subsequent to the 28th March 1780, is to be forfeited.

VIII. The courts are not to decree any interest whatever, in any case, where the bond or instrument given for the security and evidence of the debt, shall have been granted on or subsequent to the twenty-eighth day of March, one thousand seven hundred and eighty, and shall specify a higher rate of interest than is authorized by this regulation to have been given and received subsequent to that date.

Suit to be dismissed with costs, where the cause of action shall have arisen on or subsequent to the 28th March 1780, if any attempt is made to evade this regulation.

IX. Nor to decree any interest whatsoever in favour of the plaintiff, in any case, where the cause of action shall have arisen on or subsequent to the twenty-eighth day of March, one thousand seven hundred and eighty, where a greater interest than is authorized by this regulation shall have been received, or stipulated to be received, if it be proved that any attempt has been made to elude the rules prescribed in it, by any deduction from the loan, or by any device or means whatever, nor to give any other judgment, but for the dismission of the suit, with costs to be paid by the plaintiff.

What interest is to be allowed on mortgage bonds for real property, executed prior, on, or subsequent to the 28th March 1780.

X. In cases of mortgages of real property, executed prior to the twenty-eighth day of March, one thousand seven hundred and eighty, in which the mortgagee may have had the usufruct of the mortgaged property, whether he shall have held it in his own possession or not, the usufruct is to be allowed to the mortgagee, in lieu of interest, agreeably to the former custom of the country, (provided it shall have been so stipulated between the parties,) until the abovementioned date, subsequent to which, the same interest is to be allowed on such mortgage bonds, and also on all bonds for the mortgage of real property, which have been entered into on or since that date, or that may be hereafter executed, as is allowed on other bonds, which have been or may be granted on, or posterior to, such date, and no more, and all such mortgages are to be considered as virtually and in effect cancelled and redeemed, whenever the principal sum, with the simple interest due upon it, shall have been realized from the usufruct of the mortgaged property subsequent to the twenty-eighth day of March, one thousand seven hundred and eighty, or otherwise liquidated by the mortgager.

Mortgagee to deliver in true accounts of his receipts and expenditures.

XI. For the adjustment of the accounts, in the cases of mortgages specified in Section 10, where the mortgagee shall have had the usufruct of the mortgaged property, the mortgagee is to be required to deliver in the accounts of his gross receipts from the property mortgaged, and also of his expenditures, for the management or preservation of it. The mortgagee is to swear, or (if he be of the description of persons whom the courts are empowered to exempt from taking oaths) to subscribe a solemn declaration, that the accounts which he may deliver in are true and authentic. The mortgager is to be permitted to examine the accounts, and after hearing any objections he may have to offer, or any evidence that either party may have to adduce, respecting them, the court is to adjust the account.

Rules in the preceding sections not to extend to respondentia loans, or policies of insurance.

XII. The rules contained in the preceding sections, are not to be considered to extend to respondentia loans, or policies of insurance, the interest on which is to be regulated by the terms of the deeds, and the laws and usages which prevail respecting such transactions.

A. D. 1793. REGULATION XVI.

A REGULATION *for referring Suits to Arbitration, and submitting certain Cases to the Decision of the Nazim.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

THE regulations for the administration of justice passed on the 27th June 1787, empowered the courts to refer certain suits to the decision of one person, without the consent of either of the parties. This rule deprived the parties in such suits of the benefit of having their claims tried by the regular tribunals, and was further inexpedient, as it vested in the judges a discretionary power of committing the administration of the laws to any persons (with certain exceptions) whom they thought proper. In cases in which suits were referred to arbitration with the consent of the parties, no provisions were made in those regulations for determining differences of opinion that might arise between the arbitrators, or for completing the award in the event of their not delivering it by the limited period. The awards in suits referred to arbitration, were consequently often protracted from disagreements between the arbitrators, or other causes, and the suits were frequently brought again before the courts for decision. These defects in the regulations were productive of much inconvenience and expence to the parties, and the good effects intended to be produced by referring disputes to arbitration, were always liable to be counteracted. The Governor General in Council being desirous to promote the reference of disputes of certain descriptions to arbitration, and to encourage people of credit and character to act as arbitrators; and having deemed it proper to submit certain cases to the decision of the *nazim*, the following rules have been enacted.

What suits exceeding two hundred rupees the courts are to recommend to the parties to refer to arbitration.

II. In suits that may be brought before any of the courts of civil judicature concerning disputed accounts, partnerships, debts, doubtful or contested bargains, or non-performance of contracts, in which the cause of action shall exceed two hundred sicca rupees, the courts are to recommend the parties to submit the decision of the matters in dispute to arbitration.

Cases in which the courts are empowered to nominate one person to arbitrate with the consent of the parties.

III. In all suits for money or personal property, the amount or value of which shall not exceed the sum of two hundred sicca rupees, the courts are empowered, with the consent of the parties, to refer the suit to the decision of one arbitrator. The parties or their *vakeels*, upon agreeing to the reference, shall on or before the next court day, mutually choose some one common friend or indifferent person who may be willing to undertake the arbitration. If the parties shall not agree with respect to the person to be appointed arbitrator, or, if the person nominated by them shall refuse to accept the arbitration, and the parties or their *vakeels* cannot agree in the appointment of another person willing to undertake the arbitration, the court, with the consent of the parties, is to appoint as arbitrator in the cause, the proprietor of the estate in which the cause of action shall have arisen, or the farmer, if the estate be held in farm of Government, or the *cauzy* of the *pergunnah*, or the *tehsildar*, or any other creditable person, provided that the person so to be nominated by the court, be not in any respect interested in the matter in dispute. But if the parties cannot agree in the nomination of an arbitrator, or, if the person whom they may nominate shall refuse to accept the trust, and the

parties cannot agree upon the appointment of any other person willing to undertake the arbitration, or shall not consent to the appointment of an arbitrator by the court, the cause is not to be referred to arbitration, but is to be tried by the court, or the register, if the cause be depending in a *zillah* or a city court, and the judge shall think it proper to refer it to him for decision. In the event of the parties, or their *vakeels*, agreeing in the nomination of an arbitrator willing to accept the arbitration, or to an arbitrator being appointed by the court, the person so chosen or appointed shall be the arbitrator in the cause. The parties, however, in suits of the nature of those described in this section, are to have the option of choosing two or more arbitrators to decide their cause, in the same manner as the parties in the causes specified in Section 2.

Parties in suits described in this section, to have the option of referring their causes to the decision of two or more arbitrators.

Courts to encourage, but not oblige persons to become arbitrators.

What persons are disqualified from becoming arbitrators.

Courts to recommend parties to submit to the arbitration of one person.

Parties to choose the arbitrators. Exception.

Arbitrators to decide without fee or reward.

IV. The judges of the courts are enjoined to afford every encouragement in their power to persons of character and credit to become arbitrators; but they are not to employ any coercive means for that purpose, nor to permit any of their public officers, or private servants, or any of the authorized *vakeels*, to be arbitrators in a cause. In all cases, the courts are directed to endeavour, but without using any compulsion, to prevail upon parties to submit their cause to the arbitration of one person to be mutually agreed upon by them. In every case, (with the exception of the cases specified in Section 3, which the courts are empowered to refer to one arbitrator with the consent of the parties,) the parties are to choose the arbitrators, who are to decide the matter in dispute without fee or reward.

Court how to proceed, upon the parties agreeing to refer a cause to arbitration.

Provisions to be made against the arbitrators not delivering in their award by the limited time from disagreement, or other cause.

V. Whenever a suit shall be submitted to arbitration, the court in which it may have been instituted, previous to the arbitrator or arbitrators entering upon the arbitration, is to cause the parties to execute arbitration bonds, binding themselves to abide by the award, and agreeing that it be made a decree of the court. The court is to fix such time as it may think reasonable, upon a consideration of the nature and circumstances of the case, for the delivery of the award, and the period so fixed is to be specified in the bonds. If the cause shall be referred to two or more arbitrators, the following provisions are to be made for completing the award, in the event of the arbitrators not delivering it by the limited time, either from disagreement or other cause. If the decision of the suits shall be referred to two or more arbitrators, whether an odd or an even number, the parties are to have the option of nominating jointly one person as umpire, or, if the number of arbitrators appointed shall be three or more, being an odd number, to agree that the award given by the majority shall be final, or, to permit the arbitrators to nominate an umpire. The name of the umpire, and the time by which he is to make his award, in the event of the arbitrators nor delivering it by the limited period, is to be specified in the bonds, which are to be executed before the arbitrators enter upon the enquiry. In the event of an umpire being appointed, and the arbitrators not agreeing in an award by the limited period, their authority is to cease from such period, and the umpire is to give his award.

Courts how to proceed when the arbitration bonds have been executed.

VI. When a cause shall be referred to arbitration, and the bonds specified in the preceding section shall have been executed, the court is to transmit to the arbitrator or arbitrators a copy of the bill of complaint, and by a short writing under the seal of the court, refer to him or them the matters in dispute between the parties. In the trial of the suit, the arbitrators are to investigate the matters in dispute, by hearing the pleadings of the parties, and examining their respective witnesses and documents. The court is to issue the same process to the parties, and to the witnesses, whom the arbitrator or arbitrators, or the parties, may desire to have examined, to appear before the arbitrator or arbitrators, and to administer such oaths to the parties and witnesses as the court is authorized to administer, in causes tried before it; and persons not attending in consequence of such process, or making any default, or refusing to give their testimony, or to sign their depositions, or being guilty of any contempt to the arbitrator or arbitrators during the investigation of the suit, are to be subject to the like disadvantages, penalties, and punishments, by order made by the arbitrator or arbitrators, as they would incu for the same offences in suits tried before the court, provided that the arbitrator or arbitrators shall report the order, with the reason for making it, to the court, and obtain its consent thereto, which is to be signified by the judge or judges signing the order. In cases in which an arbitration may be held at a considerable distance from the court, the court may grant commissions to the arbitrators to administer the proper oaths to witnesses whom they may be desirous of examining upon oath.

VII. In cases where arbitrators, or umpires, shall not have been able to complete the award by the limited time, from want of the necessary evidence or information, or other good and sufficient cause, the courts are empowered to allow a further time for the delivery of the award. In the first mentioned case, the courts are to fix a period by which the umpire (if an umpire shall have been appointed) for the delivery of his final award, in the event of the arbitrators not completing their award by the expiration of such further time.

Cases in which the courts may extend the period for the delivery of an award.

VIII. When a final award in a cause shall be made either by the arbitrators, or the umpire, it is to be submitted to the court under the seal and signature of the person or persons by whom it may be made, together with all the proceedings, depositions, and exhibits in the cause. The court is to pass a decree conformably to the award, and the decree is to be carried into execution in the same manner as other decrees of the court.

Arbitrators to deliver all documents and papers into the courts.

Award to become a decree of the court.

IX. The award of an arbitrator or arbitrators is not to be set aside, except it be fully proved to the satisfaction of the court by the oaths of two credible witnesses, that the arbitrator or arbitrators has or have been guilty of gross corruption or partiality in the cause in which the award may be made.

Awards not to be set aside but upon proof of corruption or partiality against the arbitrators.

X. In complaints brought before any *zillah* or city court, in which it shall appear either by the application of the *naxim*, or the representation of the defendant, at or before the time of giving in his or her answer, or by the petition of the complainant, that both parties are servants or relations of his excellency, or the widows or female descendants of the former *naxims* of Bengal, the parties are to be referred for justice to the *naxim*, or to any person whom he may appoint to dispense it. Upon a complaint being preferred against any servant or servants of his excellency by persons of a different description, the court in which the complaint may be instituted, is either to refer it to his excellency, or to hear it in the ordinary manner, according to its discretion, taking care at all times, and in all matters, to pay every proper attention to the dignity and long established rights of the *nabob*. Provided, however, that in all cases in which either the plaintiff or defendant shall prefer the jurisdiction of the court to that of the *naxim*, the judge is to try and determine the suit, in the same manner as if neither of the parties had been persons of the description specified in this section.

Cases to be referred to the *naxim*.

A. D. 1793. REGULATION XVII.

A REGULATION *for re-enacting, with Alterations and Amendments, the Regulations passed by the Governor General in Council on the 20th July* 1792, *for empowering Landholders and Farmers of Land to distrain and sell the personal Property of Under-farmers, Ryots, and dependant Talookdars, and (in certain specified cases) their Sureties for Arrears of Rent or Revenue, and for preventing Landholders and Farmers of Land, confining or inflicting corporal Punishment on their Under-farmers, Ryots, and dependant Talookdars, or their Sureties, to enforce Payment of Arrears.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793, *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble

FROM the regulations not defining the nature and extent of the coercion which landholders and farmers of land might legally exercise over their under-farmers, *ryots*, and dependant *talookdars*, to enforce payment of arrears of rent or revenue, many landholders and farmers, availing themselves of the sanction of former usage, had recourse to the most oppressive means for realizing arrears, and frequently employed the same severities for the purposes of extortion; whilst others, doubtful what measures they were empowered to adopt to enforce payment from defaulters, and apprehensive of subjecting themselves to prosecution for oppression, refrained from all compulsion, and were often defrauded of arrears to which they were justly entitled. These defects in the regulations tending to skreen oppression and dishonesty on the one hand, and to discourage moderation and good faith on the other; and it being as essential to the prosperity of the country and the punctual collection of the public revenue, that landholders and farmers of land should have the means of compelling payment from defaulters without being obliged to have recourse to the courts of justice, and incurring the delay and expence necessarily attending a law process for the recovery of every arrear, as that under-farmers, *ryots*, and dependant *talookdars* should be protected from oppression and unjust demands; the Governor General in Council, with a view to the attainment of these important objects, passed certain regulations on the 20th July 1792. The rules and orders contained in those regulations are hereby re-enacted with alterations and amendments.

What persons may distrain. Whose and what property is liable to distraint and sale.

II. *Zemindars*, independent *talookdars*, and other actual proprietors of land, and farmers of land who hold their farms immediately of Government, are empowered to distrain without sending notice to any court of justice or any public officer, (excepting the after notice directed to be given in the cases of defaulters employed in the provision of the Company's investment, or the manufacture of salt as specified in section 31,) the crops and products of the earth of every description, the grain, cattle, and all other personal property, whether found in the house or on the premises of the defaulter, or in the house or on the premises of any other person within or without the limits of the estate or farm of the distrainer, belonging to their under-renters and *ryots*, and the *talookdars* paying revenue through them, for arrears of rent or revenue, and to cause the said property to be sold for the discharge of such arrears.

 The

The same powers are likewise vested in dependant *talookdars* for the recovery of arrears of rent from their under-farmers and *ryots*, and also in under-farmers who farm lands from *zemindars*, independent *talookdars*, or other actual proprietors of land, or dependant *talookdars*, or farmers of land who hold their farms immediately of Government, to enable such under-farmers to enforce payment of arrears of rent or revenue from their *ryots*, under-farmers, or dependant *talookdars*. The several descriptions of landholders and farmers of land above specified are to exercise the powers hereby vested in them under the following rules and restrictions.

What property is not liable to distraint and sale.

III. Persons vested with the power of distraint shall not distrain or sell the lands, houses, or other real property of their under-farmers and *ryots*, or the *talookdars* paying revenue through them; nor goods or advances belonging to the Company in the hands of any weaver, manufacturer, or other persons employed in the provision of their investment; nor the loom, thread, unwrought silk, or materials of manufacture of any weaver or manufacturer; nor the tools of any tradesman or labourer standing towards them in the relation of under-farmer, *ryot*, or dependant *talookdar*. All such distraints and sales are declared illegal and void. The defaulter shall stand acquitted of the arrear for which the distress may be levied, and the property shall be restored to him, or the distrainer shall be compelled to make good to him the value of it, if it shall be personal property, and shall have been destroyed, damaged, or injured, or shall not be forthcoming; and the distrainer shall be further obliged to pay to him damages adequate to the loss which he may prove to have sustained, in consequence of such attachment or sale, with all costs of suit.

Distraint and sale of it illegal and void.
Penalty.

What property is not to be distrained, if other sufficient property can be attached.
Penalty.

IV. The ploughs and implements of husbandry, the cattle actually trained to the plough, and the seed grain of under-farmers, *ryots*, and dependant *talookdars*, shall not be destrained for arrears, provided the defaulter shall possess, and the distrainer shall have it in his power to attach, other cattle, grain, or property sufficient for the discharge of the arrear. Distrainers are enjoined to attend strictly to this rule, and every deviation from it shall be punished by an award to the party aggrieved of damages adequate to the injury he may have sustained, with all costs of suit.

When under-farmers, &c. are to be considered to have defaulted.
Sureties not exonerated by the distraint of the property of defaulters.

V. Under-farmers,* ryots, *and dependant* talookdars, *shall not be considered to have defaulted until the arrears have been ineffectually demanded from them, and also from their surety, if they shall have given security, and the surety shall be forthcoming;* and when, as the last resource, an attachment shall be issued against the property of a defaulter, the responsibility of the surety shall not be thereby in any degree diminished.

Penalty for attaching property, if no arrear be due.

VI. If any person vested with the power of distraint shall attach, or cause to be sold, the property of any under-farmer, *ryot*, or dependant *talookdar* for arrears of rent or revenue, and it shall appear upon trial that no arrear was due, the distrainer shall be compelled to restore the property to the owner, or to make good to him the value of it, if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, and to pay to him as damages a sum adequate to the value of such property, and all costs of suit.

Attachment not to take place, if the defaulter shall tender the arrears upon demand.

VII. If the defaulter shall tender the arrears demanded of him in the presence of two creditable witnesses to the person deputed to attach his property, such person shall receive the arrears, and shall not proceed to the attachment.

Distrainers to furnish the person they may depute to distrain with a writing, specifying the amount of the arrear, and the date on which it became due.
Copy of the writing, with list of the property distrained, name of the place where it is lodged, and notice that it will be sold, indorsed thereon, to be delivered to the defaulter, or left at his place of residence in case of his absence.

VIII. Distrainers shall deliver to the person whom they may depute to attach the property of a defaulter, a writing under their seal and signature, specifying the amount of the arrear for which the attachment may be issued, and the date on which such arrear became due. The person so deputed shall produce this writing as his authority for making the attachment, and on the day on which he may attach the property, shall deliver a copy of it to the stated defaulter, endorsing thereon a list or inventory of the property attached, and the name of the place where it may be lodged or kept, with a notice that it will be sold on the fifteenth day commencing from the day following the day on which the attachment took place; or, if the property attached shall consist of crops or other ungathered products of the earth, within fifteen days calculating from the day following the day on which such crops or products may be stored as directed in section 13, unless the arrear and expences of the attachment shall be previously discharged, or he shall contest the demand, and procure the

* This part of the section rescinded by Sect. 3. Reg. VII. 1799.

attachment to be withdrawn in the manner hereafter specified. If the defaulter shall be absent, a copy of the above writing with the prescribed endorsement shall be fixed up or left at his usual place of residence, before the expiration of the third day calculating from the day of the attachment. If any person vested with the power of distraint shall cause any property to be attached without furnishing the agent whom they may employ for that purpose with the writing above directed, or if such agent shall be furnished with the writing prescribed, and shall omit to deliver a copy of it with the required endorsement to the defaulter, or, in the event of his absence, to leave such copy at his usual place of residence within the period limited, the distrainer shall not be entitled to recover the arrear for which the distress may have been levied, and he shall be compelled to restore the property to the defaulter, or the value of it, if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, and to pay all costs of suit.

Penalty.

IX. If an attachment for arrears shall have been issued against the property of any under-farmer, *ryot*, or dependant *talookdar*, who may not have given security to the distrainer for the payment of his rent or revenue, and such under-farmer, *ryot*, or dependant *talookdar* shall dispute the justness of the demand, and within five days commencing from the day following the day of the attachment, or, if the property attached shall consist of crops or other ungathered products of the earth, within five days calculating from the day following the day on which such crops or products may be stored as directed in Section 13, shall enter into a bond before the judge of the *zillah*, the *cauzy* of the *pergunnah*, or the distrainer, with good security, binding himself to institute a suit in the *dewanny adawlut* of the *zillah* within fifteen days from the date of such bond for the trial of the demand, and to pay whatever sum may be adjudged to be due from him, with interest upon it at the rate of twelve per cent. per annum, to be calculated from the date on which the arrear that may be awarded became payable to the date of the decree, with all costs of suit, the distrainer shall immediately withdraw the attachment and restore the property to the defaulter. If the stated defaulter shall fail to execute the bond within the period prescribed, the distrainer shall be at liberty to keep the property under attachment, and to cause it to be sold in the manner directed in Section 22, unless the arrear with the expences of the attachment shall be discharged previous to the day of sale. If the defaulter shall execute the bond, but omit to institute the suit in the *dewanny adawlut* by the time prescribed, the distrainer shall demand payment of the arrear from the surety, and in the event of his not discharging the amount immediately, the distrainer shall be at liberty to issue an attachment against the personal property both of the surety and the defaulter, or the personal property of either of them, and to cause it to be sold, unless the arrear and the expences of the attachment shall be discharged previous to the day of sale.

Under-farmers, &c. who have not given security for their rent or revenue, and who may contest the arrear, how to procure the attachment of their property to be withdrawn.

To execute a bond, with security, to try the demand in the *dewanny adawlut* of the *zillah* in fifteen days.

Attachment to be withdrawn upon the execution of the bond.

Distrainer how to recover the arrear, upon the defaulter failing to institute the suit by the time limited in the bond.

X. If an attachment for arrears shall have been issued against an under-farmer, *ryot*, or dependant *talookdar*, who may have given security for the payment of his rent or revenue, and such under-farmer, *ryot*, or dependant *talookdar*, shall dispute the justness of the demand, and the surety within five days commencing from the day following the day of the attachment, or, if the property attached shall consist of crops or other ungathered products of the earth, within five days calculating from the day following the day on which such crops or products may be stored as directed in Section 13, shall deliver a writing, attested by two witnesses, to the judge of the *dewanny adawlut*, the *cauzy* of the *pergunnah*, or the distrainer, engaging that either he or the stated defaulter will institute a suit in the *dewanny adawlut* of the *zillah*, within fifteen days from the date of such writing, to try the demand, and to pay the amount that may be adjudged against them, with interest upon it at the rate of twelve per cent. per annum, to be calculated from the date on which the arrear that may be awarded became payable to the date of the decree, with all costs of suit, the distrainer shall immediately withdraw the attachment. If the surety shall fail to execute such writing within the prescribed period, the distrainer shall continue the property under attachment, and cause it to be sold in the manner directed in Section 22, unless the arrear and the expences attending the attachment shall be discharged previous to the day of sale. If the surety shall execute the writing, but fail to have the suit instituted either in his own name or that of the defaulter within the limited period, the distrainer shall demand payment of the arrears from the surety, and in the event of his omitting to discharge the amount immediately,

Under-farmers, &c. who have given security for their rent or revenue, and who may contest the arrears, how to procure the attachment to be withdrawn.

Surety to execute writing to try the demand in the *dewanny adawlut* within fifteen days.

Attachment to be withdrawn upon the execution of the writing.

Distrainer how to recover the arrears, upon both surety and defaulter failing to institute the suit by the time limited in the bond.

mediately, the distrainer shall be at liberty to issue an attachment against the personal property both of the surety and the defaulter, or the personal property of either of them, and to cause it to be sold in the manner directed in Section 22, unless the arrears and the expence attending the attachment shall be discharged prior to the day of sale. If the surety of the stated defaulter shall refuse or omit to enter into the writing required, or if he shall happen to be at a distance, so as to render it impossible for him to execute such writing within the prescribed time, and such defaulter in either of these cases shall give the security required from the defaulters specified in Section 9, the distrainer shall withdraw the attachment, and as far as regards the said arrear, such distrainer, defaulter, and surety, shall be considered in every respect in the same predicament as the distrainers, defaulters, and sureties mentioned in the said section. Landholders and farmers of land are prohibited distraining or selling the property of the sureties of their under-farmers, *ryots*, and dependant *talookdars*, (nominal sureties excepted as described in Section 27,) under any pretext whatever, but in the cases specified in this section and in Section 9. In all other cases, landholders and farmers of land are to have recourse to the *dewanny adawlut* of the *zillah* for the recovery of any claims which they may have on the sureties of their under farmers, *ryots*, or dependant *talookdars*. If any person shall distrain or sell the property of a surety, excepting in the cases above authorized, such surety, provided he be desirous thereof, shall be discharged from his engagement, and the distrainer shall be compelled to restore the property to him, or to pay to him the value of it, if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, with all costs of suit.

Under-farmers, &c. how to proceed to get the attachment withdrawn, in case of the absence of the surety, or of his refusing to execute the writing required.

Property of sureties not liable to distraint or sale except in the cases herein authorized.

Claim on sureties in other cases how to be removed.

Penalty for the illegal distraint or sale of the property of sureties.

XI. If the defaulter shall tender payment of the arrear demanded of him in the presence of two creditable witnesses after his property shall have been attached, and prior to the day fixed for its being put up to sale, and also of the necessary expences attending the attachment, the distrainer shall receive the amount of such arrear and expences, immediately upon the same being tendered, and shall forthwith release the property. In case of any dispute arising respecting the expences of the attachment, it shall be determined by the *cauzy* of the *pergunnah* in which the distress may have been levied. The courts of *dewanny adawlut* are, upon complaint made to them, to punish any distrainer who may act contrary to this regulation, by awarding against him in favour of the party injured, damages according to the circumstances of the case, with all costs of suit.

Attachment to be withdrawn, if the defaulter shall tender the arrear and expences of attachment previous to the day of sale.

Penalty.

XII. Distrainer shall not drive or convey distrained cattle or other property out of the limits of the *pergunnah* in which it may have been attached. The distrainer shall either leave the property upon the premises in the charge of any person he may think proper, or drive or convey it with due care to a proper place as near as possible to the premises, within the limits of the *pergunnah*.

Property distrained not to be taken out of the *pergunnah*.
Where to be kept.

XIII. Distrainers who shall attach the crops or any ungathered products of the earth belonging to their under-farmers, *ryots*, or the *talookdars* paying revenue through them, shall cause such crops or products to be reaped or gathered in due season, and store the same in proper houses, barns, or granaries upon the premises; or, if there shall be no such places on the premises, in any barn or proper place which can be procured as near thereto as possible within the limits of the *pergunnah*. The expence of reaping or gathering and storing such crops or products shall be paid by the owner upon his redeeming the property, or from the proceeds of the sale in the event of its being sold.

Distrained crops and ungathered products of the earth when to be reaped or gathered, and where to be stored.

XIV. Distrainers shall not work the bullocks or cattle, or make use of the goods or effects distrained. They shall provide the necessary food for the cattle or live stock the expence attending which shall be paid by the owner upon his redeeming the property, or from the proceeds of the sale, in the event of its being sold.

Distrained cattle not to be worked, nor goods or effects used. Distrainers to provide food for cattle or live stock. Expence how to be defrayed.

XV. If property distrained shall be stolen, or lost, or be damaged, injured, or destroyed by the weather or otherwise, whilst in the possession of the distrainer, owing to his not having taken the necessary precautions for the due keeping and preservation of it he shall make good the loss or damage to the owner.

Penalty for distrainers neglecting to take due care of the property distrained.

XVI. The distress levied shall not be excessive, or in other words, the property seized shall be as nearly as possible proportionate to the amount of the arrear. If any person vested with the power of distraint shall attach any property the value of which shall be disproportionate

Distress to be proportionate to the arrear.
Penalty for excessive distress.

tionate to the arrear, and it shall be proved that he could have seized other property of less value, and which would have been sufficient for the liquidation of such arrear, the court of *dewanny adawlut* shall award to the owner damages according to the circumstances of the case, with all costs of suit.

Distress to be levied between sunrise and sunset.

XVII. All attachments shall be made after sunrise and before sunset. If any person vested with the power of distraint shall seize or attempt to seize the property of any defaulter after sunset and before sunrise for the discharge of arrears of rent or revenue, such distrainer shall not be entitled to recover the arrear; and, if the property shall have been attached, shall be compelled to restore it to the defaulter, or the value of it, if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming, with all costs of suit.

Penalty for attaching property after sunset and before sunrise.

Transfer of a defaulter's property to prevent distraint invalid.

XVIII. If any under-farmer, *ryot*, or dependant *talookdar*, shall make a fraudulent conveyance or transfer of his property to prevent the attachment of it for arrears, the court of *dewanny adawlut*, upon proof thereof being made before it, shall cause the property to be delivered up to the distrainer, and compel the person to whom such transfer or conveyance shall have been made, to pay to the distrainer damages adequate to the value of one-half of the property, with costs of suit.

Penalty for persons to whom such transfers may be made.

Punishment for under-farmers, &c. resisting an attachment, or forcibly or clandestinely taking away their property after it has been attached.

XIX. If any under-farmer, *ryot*, or dependant *talookdar*, shall resist the attachment of his property, or shall forcibly or clandestinely take it away after it shall have been attached, the court of *dewanny adawlut* shall cause him and all persons who may be proved to have been his aiders or abettors, to be imprisoned in the jail until he shall restore the property to the distrainer, or the arrear shall have been liquidated by the distraint and sale of other property, or otherwise discharged, with the expences attending the attachment, and costs of suit.

Punishment for persons not being the owners, forcibly or clandestinely taking away property which has been attached.

XX. If any person, not being the owner, shall be convicted of forcibly or clandestinely taking away property that has been distrained, the court of *dewanny adawlut*, upon proof thereof being made before it, shall cause such person or persons to be imprisoned until they restore the property, or make good the value of it to the distrainer, and pay to him as damages, a sum equal to the value of such property, and all costs of suit.

What places distrainers may force open to attach the property of defaulters.

Zenana or women's apartments not to be entered whether the doors be open or shut.

Dwelling-houses not to be forced open.

Punishment for entering women's apartments or forcing open dwelling-houses.

XXI. Distrainers are empowered to force open any stable, cow-house, barn, *golah*, granary, or other building, and to enter any dwelling-house, the outer door of which may be open, (excepting the apartments in such dwelling-house which may be appropriated for the *zenana* or residence of women,) and to break open the door of any room in such dwelling-house, for the purpose of attaching any property belonging to a defaulter which may be lodged therein. But nothing contained in this regulation shall be construed to authorize persons vested with the power of distraint, or their servants, or agents, to enter the *zenana*, or apartments of women, whether the doors or passages leading thereto be open or not; nor to force open and enter any dwelling-house, the outer door of which may be locked or barred. Persons entering the apartments of women, or forcing open the outer door of any dwelling-house, shall be imprisoned for six months, the distrainer shall not recover the arrear for which the attachment may have been issued, and he shall be compelled to restore to the defaulter any property that may have been attached, or the value of it, if it shall have been sold, damaged, injured, or destroyed, or shall not be forthcoming; and the court shall further award against such distrainer heavy damages, with all costs of suit. And if any person shall enter a dwelling-house, or break open any stable, cow-house, barn, *golah*, granary, or other building, not occupied by or in the possession of the defaulter, to distrain property belonging to him, and no such property shall be found therein, the distrainer shall be liable to prosecution by the occupant or possessor for entering such house, or breaking open such stable or other building, and the court shall award to him damages according to the circumstances of the case, with all costs of suit.

Penalty for entering any dwelling house, or breaking open any place not occupied by or in the possession of the defaulter, should no property belonging to him be found therein.

Mode of appraising and selling distrained property.

XXII. After the expiration of the fifth day, and before the elapse of the eighth day, calculating from the day following the day on which the attachment of the property of a defaulter shall have taken place, or, if the property attached shall consist of crops or other ungathered products of the earth, after the elapse of the fifth day, and before the expiration of the eighth day, commencing from the day following the day on which such*

* Rescinded by Section 4, 5. Reg. XXXV. 1795.

crops or products were stored as directed in Section 13, *the distrainer shall apply to the* cauzy *of the* pergunnah *to have the same appraised and sold. Upon the receipt of such application, the* cauzy *shall immediately fix up in the head* cutcherree *of the* pergunnah *a list of the property attached, with a notice of the day on which it will be sold, which shall be the fifteenth day, commencing from the day following the day on which the attachment took place, unless the property shall consist of crops or other ungathered products of the earth, in which case the sale shall be made on the fifteenth day, calculating from the day following the day on which such crops or products may be stored as directed in Section* 13. *The* cauzy *shall nominate two creditable persons, competent by their profession, trade, or occupation to appraise the property. The persons so appointed shall appraise the property according to the current price which the several articles may then bear in the country, and shall deliver the particulars of the appraisement in writing, and attest the same with their seals and signatures, and shall make oath before the* cauzy *that they have appraised the property according to the best of their knowledge and judgment. The* cauzy *shall affix his seal to the paper of appraisement, and shall cause it to be stuck up in the* cutcherree. *The property shall be brought to the* cutcherree *on the morning of the day of sale, in order that it may be examined by the persons intending to bid, unless it shall consist of grain or other products of the earth the removal of which would be attended with considerable expence, in which case samples only indiscriminately taken from each article shall be brought to the* cutcherree *and exposed for the purpose above mentioned. The property shall be put up to sale in one lot, or in two or more lots as the* cauzy *may think advisable. The sale shall commence at twelve o'clock in the day, and the property shall be disposed of for the highest price that may be offered for it. If the property shall sell for more than the amount of the arrear, the overplus, after deducting the charges attending the attachment and sale of it, shall be returned to the defaulter. If the proceeds of the sale shall be insufficient for the discharge of the arrear and the expences attending the attachment and sale, the distrainer shall be at liberty to attach other property belonging to the defaulter, and to cause it to be sold to make good the deficiency. The* cauzy *is in every case to examine the distrainer's statement of the expences consequent to the attachment and sale of the property, and to reject any part of it that may appear to him unreasonable. If any person vested with the power of distraint shall sell or dispose of property which he may have attached for arrears of rent or revenue in any other mode than that prescribed in this section, he shall forfeit the arrear for which the distress may be levied to the defaulter, and make good to him the value of the property sold or disposed of, with all costs of suit.*

Surplus of the proceeds of property selling for more than the arrear and expences, how to be appropriated.

Cauzy to adjust the expences of the sale and attachment. Penalty for disposing of property except as herein authorized.

Punishment for cauzies conniving at unfair practices in the appraisement or sale of property.

XXIII. The *cauzy* is to be careful to prevent any unfair practices either in the appraisement or sale of property. Upon proof being made before the court of *dewanny adawlut* of the *zillah* of his conniving at any such practices, the court shall cause him to make good any loss or injury that the defaulter may have thereby sustained, with costs of suit; and shall immediately report the circumstances of the case to the Sudder Dewanny Adawlut for the information of the Governor General in Council, who, provided there shall appear to him sufficient reason for so doing, shall dismiss such *cauzy* from his office.

Distrainer, *cauzy*, and appraisers, not to purchase the property.

Penalty.

XXIV. The distrainer, the *cauzy*, and the appraisers, are prohibited purchasing directly or indirectly any part of the property. Any *cauzy* or appraiser offending against this prohibition, shall be compelled to restore the property to the defaulter, or the full value of it, in the event of its being injured, damaged, destroyed, or not forthcoming, and shall forfeit the purchase money, which shall be appropriated to the liquidation of the arrear, and pay all costs of suit; and the court shall report the circumstances to the Sudder Dewanny Adawlut, for the information of the Governor General in Council, who, if there shall appear to him sufficient ground for so doing, shall dismiss such *cauzy* from his office. Distrainers acting contrary to the prohibition contained in this section shall be compelled to restore the property to the defaulter, or the full value of it, if it shall have been injured, damaged, or destroyed, or shall not be forthcoming, and shall likewise forfeit to him the arrear for which the property may have been attached, and pay all costs of suit.

Defaulters not to bid for or purchase their property.

XXV. Neither the defaulter, nor any person on his behalf, shall be permitted to bid for or purchase the property.

XXVI. The property shall be paid for within five days after the sale, and the purchaser shall not be permitted to carry away any part of it which shall not have been paid for. Should the purchaser fail in the payment of the whole or part of the purchase money by the limited period, the whole of the property, or the part of it which may be unpaid for, shall be resold by the* cauzy *on such day as he shall fix for whatever it may fetch. The defaulting purchaser shall forfeit to the distrainer fifteen per cent. on the amount of the price for which he purchased the property so resold, and make good to him any loss that may arise on the resale. If any profit shall accrue on the resale, it shall be carried to the credit of the defaulter.*

Property sold when to be paid for.

Penalty in case of non-payment of the purchase money.

XXVII. Persons who tenant or underfarm lands in the name of their children, dependants, or others, or in the names of fictitious persons, and give themselves as the ostensible sureties for the performance of the agreement, but retain the actual management of the lands, and in fact are themselves the under-farmers or *ryots* of such lands, shall to all intents and purposes, be considered as the under-farmers or *ryots* of such lands, and their property shall be liable to be distrained and sold for arrears under this regulation, in the same manner as if the engagement for the lands had stood in their own names.

Persons who under the names of sureties farm or tenant lands in the name of others, to be considered the actual *ryots* or farmers of such lands.

XXVIII. Landholders and farmers of land are prohibited confining or inflicting corporal punishment on any under-farmer, *ryot*, or dependant *talookdar*, or their sureties, to enforce payment of arrears of rent or revenue. If any landholder or farmer shall offend against this prohibition, the person so punished or confined, shall be at liberty either to prosecute the offender for assault or imprisonment in the criminal court, or to institute a suit against him in the *dewanny adawlut* of the *zillah*, which court shall award damages against such offender, according to the circumstances of the case, with costs of suit.

Landholders and farmers prohibited confining or inflicting corporal punishment on defaulters or their sureties.

XXIX. In the event of the absence of the *cauzy*, or of there being no such officer stationed in the *pergunnah*, the *tehsildar*, or in case of his absence, or, of there being no such officer in the *pergunnah*, then such person as the judge of the *dewanny adawlut* of the *zillah* shall think proper to vest with authority for that purpose, may and shall respectively do all such acts as the *cauzy* is authorized or directed to perform by this regulation, and under the like restrictions and penalties, as far as the latter can be inflicted.

What persons are to perform the duties assigned to the *cauzy* in the event of his absence, or of there being no such officer stationed in the *pergunnah*.

XXX. Upon the death of any person vested with the power of distraint by this regulation, his heirs or successors who may be entitled to the arrears due to him, shall be at liberty to distrain the property of the defaulters, and their sureties in the cases authorized, for the recovery of the same, agreeably to this regulation. It is to be understood likewise, that managers of the estates of disqualified landholders, and managers of undivided estates belonging to two or more proprietors, all of whom do not come within the description of disqualified landholders, are authorized to exercise the same powers for the recovery of arrears of rent or revenue, as the proprietors of the estates committed to their charge would be entitled to exercise under this regulation, were they to be entrusted with the management of their own estates, subject however to the several rules, restrictions, and penalties therein specified.

Heirs and successors of landholders and farmers to distrain for arrears due to the deceased, if entitled thereto

Managers of estates of disqualified landholders, and managers of undivided estates, vested with the power of distraint.

XXXI. The several descriptions of landholders and farmers of land, specified in Section 2, are empowered under the restrictions contained in this regulation, to attach and sell the property of persons employed in the provision of the Company's investment, or the manufacture of salt, for the recovery of arrears of rent or revenue, without previously stating the claim to the Company's commercial representative, or to any salt agent, or other officer employed in the salt department. But such distrainers shall within three days, calculating from the day following the day of the attachment, after they shall have attached the property of any weaver or *molungee*, or other person employed in the provision of the Company's investment, or the manufacture of salt, send information of such attachment in writing to the commercial resident or salt agent, or the nearest commercial factory or salt *cutcherree*, that the commercial resident or salt agent may satisfy the demand previous to the time fixed for the sale of the property, or cause such steps to be taken in behalf of the defaulter as may be consistent with this regulation.

Explanatory rule respecting defaulters employed in the provision of the investment, or the manufacture of salt.

XXXII. If any *gomastah*, agent, servant, or officer of any person vested with the power of distraint, shall attach or cause to be sold the property of any under-farmer, *ryot*,

Principals responsible for the acts of their agents.

* Rescinded by Section 6, 7. Regulation XXXV. 1795.

or

or dependant *talookdar*, or their sureties, or do any act in the attachment or sale of it contrary to this regulation, the party aggrieved shall have his remedy against the principal of the offender for such illegal attachment, sale, or act, whether the same took place or was done by the orders or with the knowledge of such principal or not. Provided that nothing contained in this section shall extend to subject a distrainer to imprisonment, in the event of any person deputed by him to attach property, entering the *zenana*, or apartments of women, or breaking open a dwelling-house in opposition to the prohibition contained in Section 21, unless it shall be proved that such acts were done by the order or with the consent or knowledge of such distrainer.

Persons deeming themselves injured by the distraint and sale of their property, may seek redress in the *dewanny adawlut*.

Persons vested with the powers of distraint, to have the option of prosecuting in the *dewanny adawlut* for arrears.

XXXIII. Nothing contained in this regulation shall be construed to prohibit persons whose property may have been distrained or sold from instituting a suit in the court of *dewanny adawlut* of the *zillah* against the distrainer, for any injury which they may think they have hereby sustained. Nor to prevent the several descriptions of landholders or farmers of land, or other persons vested with the power of distraint, from prosecuting in the court of *dewanny adawlut* of the *zillah* for arrears due to them from any under-farmer, *ryot*, or dependant *talookdar*, or their sureties, should they prefer the last mentioned mode of procedure to distraining and selling the personal property of the defaulter, or, in the cases authorized, of his surety, for the recovery of the arrears under this regulation.

Suits instituted under this regulation, to be tried in preference to all other suits.

XXXIV. All suits that may be instituted under this regulation are to be heard and determined previous to any other suits which may be depending.

A. D. 1793. REGULATION XVIII.

A REGULATION *for preserving complete, the Records of the civil and criminal Courts of Judicature, and requiring the Zillah and City Courts to transmit monthly Reports of the Suits decided by them to the provincial Courts of Appeal; and directing the provincial Courts of Appeal to submit monthly Reports of the Appeals and Causes decided by them to the Sudder Dewanny Adawlut.*—PASSED *by the Governor General in Council on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

TO obviate injuries arising to public or private rights or property, by the loss, destruction, or removal of the records of the courts of judicature, and with a view to facilitate reference to them; and that the provincial courts of appeal may have in their possession a record of the number and nature of the causes filed and decided in the *zillah* and city courts, and the time they may have been depending, and the substance of the decision respecting them; and that the Sudder Dewanny Adawlut may possess similar information with regard to suits filed both in the *zillah* and city courts and the provincial courts of appeal, and that the Honourable Court of Directors may be apprized of the decisions of the Sudder Dewanny Adawlut; the following rules have been enacted.

Two native keepers of the records to be appointed to keep the records of the civil and criminal courts.

II. Two native keepers of the records shall be appointed to keep the *dewanny adawlut* and *foujdarree* records in each *zillah*, and in each of the cities of Patna, Dacca, and Moorshedabad, and in each of the provincial courts of appeal and courts of circuit, and in the Sudder Dewanny Adawlut, and the Nizamut Adawlut.

To hold their offices during their good behaviour, and to be removable only by the Governor General in Council.

III. The keepers of the records shall not be removed from their offices, but for misconduct proved to the satisfaction of the Governor General in Council, notwithstanding any thing that may be said to the contrary in any regulation passed on this date. The offices however are declared not to be hereditary.

To keep a list of the records in a book, paged and attested as herein directed.

IV. The keepers of the records are to keep a register, in the Persian and Bengal languages in Bengal and Orissa, and in the Persian language in Behar, of all the *dewanny* and *foujdarree* proceedings, documents, and other records belonging to the courts to which they may respectively be attached, in a book, each leaf of which shall be attested by the official signature of the register, and assistant to the judges and magistrates of the *zillahs* and cities, and the registers to the provincial courts of appeal and the courts of circuit, and the Sudder Dewanny Adawlut and the Nizamut Adawlut, and on the last leaf of which they shall specify in their own handwriting, the number of pages contained in the book. The existing records are to be first registered, and the keepers of the records are to prepare a list of them immediately upon the receipt of this regulation.

Number of the page on which papers are registered to be endorsed on the back of them.

V. The keepers of the records are to endorse upon the back of every paper or document which they may enter in the register, the number of the page in which it may be registered, and the endorsement is to be attested with the official signature of both or either of them.

Keepers of the records to be careful that papers are not destroyed by damp or otherwise.

VI. It shall be the duty of the keepers of the records to see that the records of the court are not destroyed by insects, damp, or otherwise, and that they are not removed without the orders of the court.

To be liable to dismission if papers are destroyed by their neglect, or shall not be forthcoming, and they shall not be able to give a satisfactory account of them.

VII. If any records entered in the register shall be destroyed in consequence of the neglect or any omission of the keepers of the records, or if any such records shall not be forthcoming, and they shall not be able to give a satisfactory account of them, they shall be liable to dismission from their offices.

To observe any rules prescribed to them by any regulation, printed and published in the manner directed by Regulation XLI. 1793.

VIII. The keepers of the records are to be careful to attend to any rules or orders respecting the duties of their office, that may be prescribed to them by any regulation, printed and published in the manner directed by Regulation XLI. 1793, and also to any directions that may be given to them by the court to which they may be attached, or the register thereof, for the better keeping, preserving, or registering the records.

Book of daily proceedings to be kept in each *zillah* and city court.

Entries to be made in it.

IX. The courts of *dewanny adawlut* established in the several *zillahs*, and at the cities of Patna, Dacca, and Moorshedabad, are to keep a book in which the daily proceedings in each cause, and every order or act of the court, are to be minuted in the Persian or Bengal language, in Bengal and Orissa, or in the Persian language, or the Hindoostanee language and Nagree character in Behar, and attested with the signature of the judge. The plaint, answer, reply, and rejoinder of the parties, and every deposition, exhibit, and paper whatever, read and filed in each cause, is to be minuted and referred to in this book, by marks or numbers, corresponding to marks or numbers to be endorsed on each document when it may be read in the cause.

A separate and complete record of each cause to be kept, in the form herein prescribed.

X. Complete records also, numbered in the order in which the causes may be tried, are to be kept in each* zillah *and city court, in the following form, viz. Upon the decision of a cause, the plaint, answer, reply, and rejoinder, and all the pleadings, allegations, acts, and defaults of the parties, depositions of the witnesses, exhibits, and all other evidence, all orders of the court, and the returns thereto in the order in which they may be made, the decree, the order for the execution of it, and the return specifying how the decree has been executed, and all proceedings whatsoever, are to be written on a roll of strong paper, in the language in which the petition, answer, or other pleadings, depositions or exhibits respectively, may have been originally made. But every act and order of the court is to be uniformly entered in the Persian or Bengal language, in Bengal or Orissa, and in the Persian language, or in the Hindoostanee language and the Nagree character, in Behar, and, where depositions or exhibits shall be in any other language than the Persian or Bengal language, in Bengal or Orissa, or the Persian language, or the Hindoostanee language and Nagree character in Behar, they are to be entered in the language in which they may be made or written, together with faithful translates in the Persian or Bengal languages, in Bengal or Orissa, and in the Persian language, or the Hindoostanee language and Nagree character in Behar. This record is to be authenticated by the seal of the court, and the signature of the judge, and to be countersigned by the* serishtadar, *or other head native officer of the court. The record is to be kept in this form by the register amongst the muniments of the court, and it shall be and remain a record of the court; and a copy of it, authenticated by the seal of the court, and the signature of the judge, and countersigned by the* serishtadar *or head native ministerial officer of the court, is to be deemed and received as good evidence of such record in any court of judicature.*

How the record is to be authenticated.

Monthly abstract register to be kept by the judges of the *zillah* and city courts.

XI. The judge of each *zillah* and city court, is to keep a monthly abstract register in the English language, of causes decided, drawn out in the following form, on paper of the size which the Sudder Dewanny Adawlut may prescribe. One copy of the register for each month is to be dispatched by the fifteenth of the following month to the Sudder Dewanny Adawlut, and another copy is to be forwarded by the same period to the provincial court of appeal of the division in which the *zillah* or city court may be situated.

* Rescinded by Section 16, Regulation V. 1798.

Abstract Register of causes decided in the *dewanny adawlut* of the *zillah*, or city of ———, in the month of ———, 179 .

No. of the register.	Names of the parties.	Substance of the suit.	The decree.	Date on which the suit was filed in the *zillah* or city court.	Date of the decree.
1	Goremohun Poddar, *versus* Radakaunt Roy.	For the recovery of a debt of 100 rupees, on bond with interest.	Decreed to plaintiff 100 rupees principal, 20 rupees interest, and 10 rupees costs.	1st May, 1793.	10th July.
2	Ramnarain Ghose, *versus* Bowannychurn Mitre.	For the recovery of 50 rupees, the value of a boat.	Dismissed, plaintiff having filed a *razenamah*.	10th ditto.	15th ditto.
3	Chucka Ram, *versus* Sam Poddar.	For the recovery of one half of a *talook*, annual produce 500 rupees.	Ditto.	10th ditto.	16th ditto.
4	Mahomed Ally, *versus* Sook Loll.	For 600 rupees, a balance of rent.	Dismissed, with 100 rupees costs to defendant.	20th ditto.	30th ditto.

XII. On the 1st of January and the 1st July in each year, the judges of the *zillah* and city courts are to transmit to the provincial court of appeal of the division, and to the Sudder Dewanny Adawlut, a report of all causes remaining undecided in the court. The report is to be drawn out in the following form, on paper of the size which the Sudder Dewanny Adawlut may prescribe.

Half yearly report of undecided causes to be sent by the *zillah* and city courts to the provincial courts of appeal and the Sudder Dewanny Adawlut.

Report of causes depending in the *dewanny adawlut* of the *zillah* (or city) of ———, on the 1st January (or 1st July) 179 .

No. of the register.	Names of the parties.	Substance of the suit.	Date on which the suit was filed.	Remarks.
10	Ramnarain Ghose, *versus* Bhowanny Churn Mitre.	For the recovery of 50 rupees, the value of a boat.	1st May, 1793.	When any suits are entered in a half yearly report which have been inserted in any preceding half yearly report, the judge is to state in this column the cause of such suits remaining undecided.

XIII. The provincial courts of appeal are to keep a book of daily proceedings, similar to that which the judges of the *zillah* and city courts are required to keep in Section 9, with this difference, that the entries in the book are to be attested by the register, instead of the judges of the court.

Provincial courts of appeal to keep a book of proceedings, similar to that which the judges are directed to keep in Section 9, to be attested by the register and not by the judges.

XIV. The provincial courts of appeal are to keep a separate and complete record of causes which may be referred to them by the Governor General in Council, or the Sudder Dewanny Adawlut, for trial in the first instance, and also of their proceedings in appeals from the decisions of the* zillah *or city courts, similar to the record required to be kept by the* zillah *and city courts in Section* 10.

Provincial Courts also to keep a separate record of all causes and appeals tried by them.

XV. The provincial courts of appeal are required to keep a monthly abstract register in the English language of causes or appeals decided by them, drawn out in the following form, on paper of the size which may be prescribed by the Sudder Dewanny Adawlut. The register for each month is to be dispatched to the Sudder Dewanny Adawlut, by the fifteenth of the following month.

Monthly abstract register to be kept by the provincial courts of appeal.

* Rescinded by Section 16, Regulation V. 1798.

Abstract Register of causes and appeals, decided by the provincial court of appeal for the division of ———, in the month of ———, 179 .

Number o the register in the zillah or city court.	Number of the register in the provincial court.	Names of the parties.	Substance of the original suit.	To whom and what decreed by the zillah or city court.	From what court appealed.	The decree of the provincial court.	Date on which the appeal was filed in the provincial court.	Date of the decree of the provincial court.
589.	1.	Guddadar Nundy, appellant, *versus* Hurrinarain, respondent.	For the recovery of a debt of 100 Rs. on bond with interest.	Rupees 100 to Hurrinarain.	Sylhet.	Confirmed the decree of the *zillah* court, with 20 Rs. costs to respondent.	10th June, 1793.	20th July.
640.	2.	Ramduloll Ghose, appellant, *versus* Gowry Churn, respondent.	For the recovery of 50 Rs. the value of a boat.	Rupees 25, decreed to Gowry Churn.	City of Dacca.	Reversed the decree of the city court, with 10 Rs. costs to appellant.	15th June, 1793.	24th ditto.
720.	3.	Shebuck Ram, appellant, *versus* Buddinaut Surmah, respondent.	For the recovery of one half of the village Rampore, annual produce 250 Rupees.	Buddinaut, half of the village Rampore, with 60 Rs. costs of suit.	Mymensing.	Dismissed, the parties having filed *razenamahs*.	16th June, 1793.	29th ditto.

Half yearly report of undecided causes to be transmitted by the provincial courts of appeal to the Sudder Dewanny Adawlut.

XVI. On the first of January, and the first of July in each year, the provincial courts of appeal are to transmit to the Sudder Dewanny Adawlut, a register of all the causes or appeals remaining undecided in the court. The register is to be drawn out in the following form, on paper of the size which the Sudder Dewanny Adawlut may prescribe.

Report of causes and appeals, depending in the provincial court of appeal, for the division of ——— on the 1st January (or 1st July) 179 .

No. of the register.	Names of the parties.	Substance of the cause or appeal.	Date on which the cause or appeal was filed.	Remarks.
10.	Bowanny Churn Mitre, *versus* Ramnarain.	For the recovery of 50 rupees, the value of a boat.	16th May 1793.	When any causes or appeals which have been inserted in a half yearly report, are re-entered in another half yearly report, the judges are to state in this column, the reason of such causes or appeals remaining undecided.

Sudder Dewanny Adawlut to keep proceedings and separate records of causes, as prescribed to the provincial courts in Sections 13 and 14.

XVII. The Sudder Dewanny Adawlut is to keep a book of daily proceedings, and a separate record of the appeals or causes which may be decided by them, in the same manner as is prescribed to the provincial courts of appeal in Sections 13 and 14.

Sudder Dewanny Adawlut to submit to the Governor General in Council for the Court of Directors a half yearly abstract of causes decided by them.

XVIII. On the first of January, and the first of July in each year, the Sudder Dewanny Adawlut is to transmit to the Governor General in Council, to be forwarded to the Honourable Court of Directors, an abstract register of the causes decided by the court during the preceding six months, drawn out in the following form.

Abstract of decrees passed by the court of Sudder Dewanny Adawlut from the 1st of January to the 30th of June, (or from the 1st July to the 31st December,) 179

No.	Names of the parties.	Subject of the appeal.	Decree by the provincial court of appeal of what division passed.	Decree of the Sudder Dewanny Adawlut.	Date on which the appeal was filed in the Sudder Dewanny Adawlut.	Date of the decree of the Sudder Dewanny Adawlut.
1	RamRutton, appellant, *versus* Abhay Churn, respondent.	The right to the *zemindaree* of Sultanpore Khurrorea, in the *zillah* of Jessore, annual produce rupees 10,000, decreed to respondent.	Calcutta.	Confirmed the decree of the provincial court, with 100 rupees costs to respondent.	24th December, 1793.	17th January, 1794.
2	Bhowanny Pershaud, appellant, *versus* Nilkaunt, respondent.	The right to certain land exempted from the payment of revenue in the villages of Ramgur and Pertaubpore, in the *zillah* of Shahabad, annual produce rupees 1,100, decreed to respondent.	Patna.	Confirmed the decree of the provincial court, with 50 rupees costs to respondent.	20th January, 1794.	17th March, 1794.
3	Ram Hurry, appellant, *versus* Gourchund, respondent.	The proprietary right in the *talook* of Futtypore in the *pergunnah* of Balwah, in the *zillah* of Dacca, annual produce rupees 5,000, decreed to respondent.	Dacca.	Confirmed the decree of the provincial court, with 400 rupees costs to respondent.	28th January, 1794.	20th April, 1794.
4	Mahomed Eslam, appellant, *versus* Bishenaut, respondent.	For two thousand rupees, a balance of rent of land in Lushkerpore in the *zillah* of Rajeshahy, decreed to respondent.	Moorshedabad.	Reversed the decree of the provincial court, with 200 rupees costs to appellant.	10th February, 1794.	31st May, 1794.

A. D. 1793. REGULATION XIX.

A REGULATION *for re-enacting, with Modifications, the Rules passed by the Governor General in Council on the* 1*st December* 1790, *for trying the Validity of the Titles of Persons holding, or claiming a Right to hold, Lands exempted from the Payment of Revenue to Government, under Grants not being of the Description of those termed Badshahee or Royal; and for determining the Amount of the annual Assessment to be imposed on Lands so held, which may be adjudged, or become liable to the Payment of public Revenue.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

BY the ancient law of the country, the ruling power is entitled to a certain proportion of the produce of every *beegha* of land, (demandable in money or kind according to local custom,) unless it transfers its right thereto for a term, or in perpetuity, or limits the public demand upon the whole of the lands belonging to an individual, leaving him to appropriate to his own use the difference between the value of such proportion of the produce and the sum payable to the public, whilst he continues to discharge the latter. As a necessary consequence of this law, if a *zemindar* made a grant of any part of his lands to be held exempt from the payment of revenue, it was considered void, from being an alienation of the dues of Government without its sanction. Had the validity of such grants been admitted, it is obvious that the revenue of Government would have been liable to gradual diminution. Previous, however, to the Company's accession to the *dewanny*, numerous grants of this description were made, not only by the *zemindars*, but by the officers of Government appointed to the temporary superintendence of the collection of the revenue, under the pretext that the produce of the lands was to be applied to religious or charitable uses. Of these grants, some were applied to the purposes for which they were professed to have been made, but in general, they were given for the personal advantage of the grantee, or with a view to the clandestine appropriation of the produce to the use of the granter, or sold to supply his private exigencies. In conformity to the principles which prevailed under the native administration, the British Government have at various times declared all grants for holding land exempt from the payment of revenue, made since the date of the Company's accession to the *dewanny* without their sanction, illegal and void. Their lenity, however, induced them to adopt it as a principle, that grants of this description made previous to the date of the *dewanny*, and provided the grantees had obtained possession, should be held valid to the extent of the intentions of the grantor, as ascertainable from the terms of the writings by which the grants might have been made, or from their nature and denomination. But no complete register of these exempted lands having been formed upon the Company's accession to the *dewanny*, nor subsequent to that period, many *zemindars*, as well as the temporary farmers of the public revenue, and the officers of Government to whom the collection of the revenue in the different districts has been occasionally committed in consequence of the *zemindars* refusing to pay the revenue demanded of them, have availed themselves of the

 abovementioned

abovementioned rule of limitation, to make grants of extensive tracts of land to others, or in the names of their relations or dependants for their own use, dating the deeds for these alienations previous to the Company's accession to the *dewanny*, or procuring them to be registered in the *zemindaree* records, as having been alienated prior to that period. Others have made such alienations without antedating the grants, and left it to the grantee to maintain himself in possession by such means as circumstances might afford, in the event of his title being brought into question. The Governor General in Council deeming it incumbent on him to recover the public dues thus alienated in opposition to the ancient and existing laws of the country, as well as to resume the revenue of all lands the grants for which might expire; and as the proprietors of estates were not entitled to collect such of the public dues, from the lands included in their estates, as Government had judged it advisable to transfer to individuals, or to resume those which had been alienated by themselves or others, the amount, in both cases, being excluded from the assets on which the settlement was to be concluded; it was made a rule at the time of forming the decennial settlement, and which has been re-enacted by Section 36, Regulation VIII. 1793, that the *jumma* assessed upon the estates of individuals was to be considered as "exclusive and independent of all existing *lakheraje* lands, whether exempted from the *kheraje* or public revenue, with or without due authority;" and by the third clause of the seventh article of the proclamation contained in Regulation I. 1793, which specifies the conditions under which Government declared the decennial settlement permanent, it is expressly stipulated, "that the Governor General in Council will impose such assessment as he may deem equitable on all lands at present alienated, and paying no public revenue, which have been or may be proved to be held under illegal or invalid titles." The Governor General in Council, however, at the same time that he is desirous of recovering the public dues from lands which have been illegally alienated, is equally solicitous that persons holding such grants under titles that are declared valid, should be secured in the possession and enjoyment of their property. It is likewise his wish, that the recovery of the dues of Government from those lands which have been illegally alienated previous to the 1st December 1790, should be attended with as little distress as possible to the possessors; and to obviate all injustice, or extortion, in the enquiry into the titles of persons holding exempted lands, he has further resolved, that the claims of the public on their lands (provided they register the grants as required in this regulation) shall be tried in the courts of judicature, that no such exempted lands may be subjected to the payment of revenue, until the titles of the proprietor shall have been adjudged invalid by a final judicial decree. Upon the above grounds, and with a view to facilitate the recovery of the public dues from lands held exempted under invalid grants, as well as to prevent any similar alienations being hereafter made, to the prejudice of the security of the public revenue which has been assessed in perpetuity upon the estates of individuals; and further, that Government and the officers employed in the collection of the public revenue, may at all times have in their possession a correct register of the lands in the several *zillahs*, held exempt from the payment of revenue, the following rules, containing the rules passed on the 1st December 1790, with modifications, have been enacted.

Grants of alienated land made previous to the 12th August 1765, declared valid, provided the grantee obtained possession before that date, and has since held possession without paying revenue.

Grants made before the *dewanny* of no validity, if possession was not obtained prior thereto, or the lands have been since subjected to the payment of revenue.

II. *First.* All grants for holding land exempt from the payment of revenue, made previous to the 12th August 1765, the date of the company's accession to the *dewanny*, by whatever authority, and whether by a writing, or without a writing, shall be deemed valid, provided the grantee, actually and *bonâ fide* obtained possession of the land so granted previous to the date above mentioned, and the land shall not have been subsequently rendered subject to the payment of revenue, by the officers, or the orders of Government. If it shall be proved to the satisfaction of the court, that the grantee did not obtain possession of the land so granted previous to the 12th August 1765, or that he did obtain possession of it prior to that date, but that it has been since subjected to the payment of revenue by the officers or the orders of Government, the grant shall not be deemed valid.

Courts to refer to the Governor General in Council, in the event of their entertaining doubts as to the authority of any officer of Government who may have subjected exempted

Second. In the event, however, of a claim being preferred by any person to hold land exempt from the payment of revenue, under a grant made previous to the date of the Company's accession to the *dewanny*, and of it being proved to the satisfaction of the court in which the suit may be instituted in the first instance, or to which it may be appealed, that the grantee held the land exempt from the payment of revenue previous to that date, but

that it was subjected to the payment of revenue posterior thereto by an officer of Government, and the court shall entertain doubts as to the competency of such officer, under the powers vested in him, to subject the lands to the payment of revenue, the court shall suspend its judgment, and report the circumstances to the Governor General in Council, to whom a power is reserved of determining whether such officer was or was not competent to subject the land to the payment of revenue, and upon receiving the determination of the Governor General in Council, the court is to decide accordingly. No such claim, however, to hold exempt from the payment of revenue, land that may have been subjected to the payment of revenue for the twelve years preceding the date on which the claim may be instituted, shall be heard by any *zillah* or city court, unless the claimant can show good and sufficient cause for not having preferred the claim to a competent jurisdiction within the twelve years, and proceeded in it as required by Section 14, Regulation III. 1793.

Land, granted before the *dewanny*, to the payment of revenue.

Claims to hold exempted from revenue, lands that have paid revenue for twelve years, not to be heard. Exception.

Third. But no part of the two preceding clauses is to be construed to empower the courts to adjudge any person not being the original grantee, entitled to hold exempt from the payment of revenue, land now subject to the payment of revenue, under a grant made previous to the Company's accession to the *dewanny*, the writing for which may expressly specify it to have been given for the life of the grantee only, or, supposing no such specification to have been made in the writing, or the writing not to be forthcoming, or no writing to have been executed, where the grant, from the nature and denomination of it, shall be proved to be a life tenure only, according to the ancient usages of the country.

No persons not being the original grantees, to be entitled to hold exempt from the payment of revenue, lands now subject to the payment of revenue, under grants for life made previous to the *dewanny*.

Fourth. Nor to entitle the heirs of any person now holding land exempt from the payment of public revenue under a grant made previous to the *dewanny*, to succeed to and hold such land exempt from the payment of revenue upon the demise of the present possessor, where the writing for such grant may expressly specify it to have been given for the life of the grantee only, or, supposing no such specification to have been made in the writing, or the writing not to be forthcoming, or no writing to have been executed, where from the nature and denomination of the grant, it shall be proved to be a life tenure only, according to the ancient usages of the country. Nor to entitle the heir to any such person to hold the lands exempt from the payment of revenue after his demise, supposing the writing for the grant not to specify whether it was to be considered hereditary or otherwise, unless it shall be proved to the satisfaction of the court, that the grant, from the nature and denomination of it, is hereditary according to the ancient usages of the country. But upon the demise of the present possessor of any such grant, which may be adjudged not hereditary under this clause, if it shall appear that one or more successions, in virtue of whatever right, shall have taken place before the date of the *dewanny*, the lands shall not be subjected to the payment of revenue under the decree, without the sanction of the Governor General in Council, to whom a copy of the proceedings and decree of the court is to be transmitted, and to whom is reserved a power of declaring the lands subject to the payment of revenue or not, as may appear to him proper.

Nor to entitle the heirs of persons now possessing exempted lands under life grants made previous to the *dewanny*, to hold such lands exempt from the payment of revenue upon the death of the present possessor.

Power reserved to the Governor General in Council, of determining whether life grants, to which one or more successions of whatever nature may have taken place prior to the date of the *dewanny*, shall be subjected to the payment of revenue or not, on the death of the present possessor.

Fifth. The present possessors of lands now exempt from the payment of revenue, under such life grants made previous to the *dewanny*, and declared by the preceding clause not to be hereditary, are prohibited from selling, or otherwise transferring them, or mortgaging the revenue of them for a longer period than their own lives, and all such transfers and mortgages are declared illegal and void. It is to be understood, however, that if any such life grants shall have been confirmed as hereditary tenures by Government, or by the officers of Government empowered so to confirm them, they are not to be liable to the payment of revenue on the death of the present possessor, and are to be excepted from the other rules contained in this and the preceding clause. If doubts shall arise in any court as to the competency of the authority of any officer of Government to confirm any such life grant as hereditary, the court is to suspend its judgment, and report the circumstances to the Governor General in Council, to whom a power is reserved of determining finally whether such officer possessed competent authority to confirm the grant as hereditary or not; and the court, upon receiving the determination of the Governor General in Council, is to decide accordingly.

The present possessors of such life grants prohibited from transferring them, or mortgaging the revenue of them beyond their own lives.

Such life grants, if confirmed by Government or its officers, not to be subject to the payment of revenue on the death of the present possessor.

All grants made or confirmed since the *dewanny*, excepting by the authority of Government, or its officers duly empowered, declared invalid.

III. *First.* All grants for holding land exempt from the payment of revenue, which may have been made since the 12th August 1765, and previous to the 1st December 1790, corresponding with the 18th Aughun 1197 Bengal era, the 10th Aughun 1198 Fussily, the 18th Aughun 1198 Willaity, by any other authority than that of Government, and which may not have been confirmed by Government, or by any officer empowered to confirm them, are declared invalid.

Courts how to proceed in the event of their entertaining doubts of the authority of the officer to confirm the grant.

Second. If doubts shall be entertained by any court as to the competency of the authority of any officer to confirm any such grant, the court is to suspend its judgment, and report the circumstances of the case to the Governor General in Council, to whom a power is reserved of determining finally whether the officer possessed competent authority to confirm the grant, or otherwise; and the court, upon receiving the determination of the Governor General in Council, shall decide accordingly.

Exception to the rule in clause first, in favour of the grants herein specified made by the chiefs of the provincial councils,

Third. The rule contained in clause first, is not to be considered to extend to authorize the subjecting to the payment of revenue, land held exempt from the payment of it under grants made previous to the commencement of the Bengal year 1178, or the Fussily or Willaity year 1179, (according as the land may be situated in Bengal, Behar, or Orissa,) under the signature of the chiefs of the late provincial councils, and the seals of those councils, agreeably to an authority vested in them by Government for granting land to be held exempt from the payment of revenue, the annual produce of which did not exceed one hundred rupees.

and also of lands not exceeding ten *beeghas* granted before the dates herein specified, which are appropriated to religious or charitable purposes.

Fourth. Nor to authorize the subjecting to the payment of revenue, any land, the grants for which, whether for the life of the grantee, or otherwise, were made previous to the commencement of the Bengal year 1178, or the Fussily or Willaity year 1179, (according as the land may be situated in Bengal, Behar, or Orissa,) where the quantity of land granted shall not exceed ten *beeghas*, and the produce of it is *bonâ fide* appropriated as an endowment on temples, or to the maintenance of Brahmins, or other religious or charitable purposes. The rule in this clause is declared to extend also to all grants of land whatever not exceeding ten *beeghas*, made previous to the *dewanny*, the produce of which may be now so appropriated.

Questions regarding the proprietary right in lands alienated before the 1st December 1790, and adjudged liable to the payment of revenue, to be determined in the *dewanny adawlut*, this regulation with respect to such lands relating only to the revenue.

IV. This regulation, as far as regards lands alienated previous to the 1st December 1790, respects only the question whether they are liable to the payment of revenue or otherwise. Every dispute or claim regarding the proprietary right in lands alienated previous to that date, and which, in conformity to this regulation, may become subject to the payment of revenue, is to be considered as a matter of a private nature to be determined by the courts of *dewanny adawlut*, in the event of any dispute or claim arising respecting it, between the grantee and the grantor, or their respective heirs, or successors. The grantees, or the present possessors, until dispossessed by a decree of the *dewanny adawlut*, are to be considered as the proprietors of the lands, with the same right of property therein as is declared to be vested in proprietors of estates or dependant *talooks*, (according as the land may exceed or be less than one hundred *beeghas*, as specified in Sections 6, 7, and 21,) subject to the payment of revenue, and they are to execute engagements for the revenue with which their lands may be declared chargeable, either to Government, or to the proprietor, or farmer of the estate in which the lands may be situated, or to the officer of Government, (according as the revenue of the estate in which the land may be situated may be payable by the proprietor or a farmer, or collected *khas*,) under the rules for the decennial settlement. If by the decision of the *dewanny adawlut*, the proprietary right in the land shall be transferred, the person succeeding thereto, is in like manner to be responsible for the payment of the revenue assessed, or chargeable thereon.

V. By continuing the proprietary right in the land to the grantee or possesosr in the cases specified in the preceding section, instead of dispossessing him of the land altogether, agreeably to former usage, and assessing the land in the mode prescribed in the two following sections, a liberal provision will be left to him. Where the grant may have been made before the Bengal year 1178, or the Fussily or Willaity year 1179, the proprietor will hold his land, as an estate paying a fixed revenue of only half the amount assessed on other *malguzaree* lands in the country; and where the grant may have been made subsequent to the

abovementioned periods, he will hold the land as subject to the payment of the same revenue as other lands assessed with revenue under the rules for the decennial settlement as hereafter directed.

VI. The revenue assessable under Section 9, on land not exceeding one hundred *beeghas* of the measurement that may prevail in the *pergunnah* wherein it may be situated, and whether lying in one village, or two, or more villages, and that may have been alienated by any one grant, made previous to the 1st December 1790, and which may be adjudged or become liable to the payment of revenue, shall belong to the person responsible for the discharge of the revenue of the estate or dependant *talook* in which the land may be situated, notwithstanding any thing said in Section 8, Regulation I. 1793; and he shall not be liable to the payment of any additional revenue, on account of the assessment which may be chargeable on such lands, during the continuance of the engagement under which he may pay the revenue of such estate, or dependant *talook*, when the land may be so adjudged liable to the payment of revenue. If the estate or dependant *talook* shall be held *khas* when the lands are decreed liable to the payment of revenue, the amount is to be collected by, and paid to whomsoever the rents and revenue of the estate or *talook* may be payable, until a settlement shall be concluded for the revenue of it, either with the proprietor, or a farmer. The land which may be so adjudged subject to the payment of revenue, is to be considered as a dependant *talook*.

To whom the revenue assessed on lands not exceeding one hundred *beeghas*, alienated before the 1st December 1790, is to belong.

VII. The revenue assessable under Section 8, on land exceeding one hundred *beeghas* of the measurement that may prevail in the *pergunnah* wherein it may be situated, and whether lying in one village, or two or more villages; and alienated by any one grant made previous to the 1st December 1790, and which may be adjudged or become liable to the payment of revenue, is declared to belong to Government. The lands specified in this section which may be adjudged liable to the payment of revenue, are to be considered as independent *talooks*.

The revenue assessable on lands exceeding one hundred *beeghas*, alienated prior to the 1st December 1790, declared to belong to Government.

VIII. *First*. The amount of the revenue payable from the lands specified in Section 7, is to be adjusted according to the following rules.

Rules for fixing the assessment on the lands specified in Section 7.

Second. If the grant shall have been made previous to the Bengal year 1178, or the Fussily or Willaity year 1179, (according as the lands may be situated in Bengal, Behar, or Orissa,) the revenue to be paid to Government shall be equal to one-half of the annual produce of the land, calculating according to the rates at which other lands in the *pergunnah* of a similar description may be assessed. If any part of the land shall be uncultivated, the proprietor is to be required to bring it into cultivation, and to pay such *russud* or progressive increase, to be regulated with a reference to the reduced rate of the assessment on the cultivated land, as the Board of Revenue, with the sanction of the Governor General in Council, may deem reasonable. The produce of the land shall be ascertained by a survey and measurement, one-half of the expence attending which, is to be defrayed by the proprietor, in the event of his agreeing to the *jumma* required of him, and the other moiety by Government; or, by such other mode of investigation as the collector, with the sanction of the Board of Revenue, may judge advisable. If the proprietor shall refuse to agree to the assessment, the lands are to be let in farm or held *khas*, under the rules prescribed in Regulation VIII. 1793. If the proprietor shall agree to pay the revenue that may be required of him, the amount shall not be liable to any variation in future; but he, and his heirs and successors, shall hold the lands at such fixed revenue for ever.

If the grant shall have been made previous to the Bengal year 1178, or the Fussily or Willaity year 1179.

Third. If the grant shall have been made subsequent to the Bengal year 1178, or the Fussily or Willaity year 1179, (according as the lands may be situated in Bengal, Behar, or Orissa,) the revenue or *jumma* to be paid to Government from the land, shall be assessed agreeably to the rules prescribed in Regulation VIII. 1793, for forming the settlement of estates paying revenue to Government, and the produce shall be ascertained and the expence of the investigation defrayed, in the manner specified with regard to the lands in the preceding clause. If the proprietor shall refuse to agree to the assessment, the lands are to be let in farm or held *khas* under the rules for the decennial settlement. If the proprietor shall agree to pay the revenue that may be required of him, the amount shall not be liable to any variation in future; but he, and his heirs and successors, shall hold the land at such fixed revenue for ever.

If the grant shall have been made subsequent to the Bengal year 1178, or the Fussily or Willaity year 1179.

Rule for fixing the amount of the revenue on the lands specified in Section 6.

IX. The rules in the preceding section are to be held applicable to the lands specified in Section 6, with this difference, that the proprietor, farmer, dependant *talookdar*, or officer of government, to whom the revenue may be payable, shall ascertain the produce of the land without subjecting the grantee to any expence; and submit the accounts of it to the collector, who shall fix the revenue to be paid from the lands in perpetuity, reporting the amount for the confirmation of the Board of Revenue, who are empowered, in cases in which it shall appear to them proper, to increase or reduce the amount. If the proprietor shall agree to pay the revenue required of him, he and his heirs and successors, shall hold the lands as a dependant *talook*, subject to the payment of such fixed revenue for ever.

Grants made since the 1st December 1790, declared null and void.

X. All grants for holding land exempt from the payment of revenue, whether exceeding or under one hundred *beeghas*, that have been made since the 1st December 1790, or that may be hereafter made, by any other authority than that of the Governor General in Council, are declared null and void, and no length of possession shall be hereafter considered to give validity to any such grant, either with regard to the property in the soil, or the rents of it. And every person who now possesses, or may succeed to the proprietary right in any estate, or dependant *talook*, or who now holds, or may hereafter hold any estate or dependant *talook* in farm of Government, or of the proprietor, or any other person, and every officer of Government appointed to make the collections from any estate or *talook* held *khas*, is authorized and required to collect the rents from such lands at the rates of the *pergunnah*, and to dispossess the grantee of the proprietary right in the land, and to reannex it to the estate or *talook* in which it may be situated, without making previous application to a court of judicature, or sending previous or subsequent notice of the dispossession or annexation to any officer of Government; nor shall any such proprietor, farmer, or dependant *talookdar*, be liable to an increase of assessment on account of such grants which he may resume and annul, during the term of the engagements that he may be under for the payment of the revenue of such estate or *talook* when the grant may be so resumed and annulled. The managers of the estates of disqualified proprietors, and of joint undivided estates, are authorized and required to exercise, on behalf of the proprietors, the powers vested in proprietors by this section.

Managers of estates to exercise, on behalf of the proprietors, the powers vested in proprietors by this section.

How proprietors and farmers of land, &c. are to recover the revenue payable to them from the lands specified in Section 6.

XI. Proprietors, or farmers of land, or dependant *talookdars*, who may deem themselves entitled to the revenue of any land of the description of that specified in Section 6. situated in their respective estates, farms, or *talooks*, are to institute a suit for the recovery of it in the court of *dewanny adawlut*. Any proprietor, or farmer of land, or dependant *talookdar*, or other person, subjecting such lands to the payment of revenue, without having previously obtained a judicial decree for that purpose, shall be liable to be sued for damages by the parties injured. Where estates or dependant *talooks* may be held *khas*, the right of suing for the recovery of the revenue from the lands specified in Section 6, is to be considered as vested in the party to whom the collections from the estate or *talook* may be payable. If the estate or *talook* be held *khas* by Government, the *tehsildar* or other officer is to sue for the revenue chargeable on such lands in the room of the proprietor, but under the directions of the collector.

To whom the right of suing for the revenue of the lands specified in Section 6, is to belong, if the estate or *talook* be held *khas*.

Collectors to prosecute for the recovery of the public dues from the lands specified in Section 7.

No lapse of time to be a bar to the recovery of the public dues.

XII. It is to be the duty of the collectors, after receiving the sanction of the Board of Revenue for that purpose, as directed in Section 14, to prosecute in the court of* dewanny adawlut *on behalf of Government, for the recovery of the public dues from the lands specified in Section 7, that are declared by this regulation subject to the payment of revenue; and no lapse of time shall be considered as a bar to the recovery of the public dues from such lands.*

Commission of twenty-five per cent. to be received by collectors on the permanent jumma *of lands, adjudged liable to the payment of revenue in consequence of suits prosecuted by them to a final decision.*

Collectors instituting suits, but not prosecuting them to final judgment, not to re-

XIII. The collectors shall receive a commission of twenty-five per cent. on the amount of the jumma *which may be assessed in perpetuity, on land adjudged liable to the payment of revenue to Government, in consequence of suits which may be prosecuted by them to a final judgment. Collectors who may institute suits for the recovery of the public dues from lands, but who shall not prosecute them to a final decision whilst they hold the office of collector of the zillah in which the lands may be situated, shall not be entitled to any commission in the event of the lands being adjudged liable to the payment*

* Sect. 12, 13, and 14. rescinded by clause second, Section 2. Regulation II. 1819.

of

of revenue, but the commission shall be paid to the collectors, who may prosecute them to a final judgment as above prescribed, unless the Governor General in Council shall deem it equitable, upon a consideration of the circumstances of the case, to give the whole or any part of the commission to the collectors by whom the suits may have been instituted, or to collectors who may have succeeded the collectors who instituted the suits, and preceded the collectors by whom they may have been prosecuted to a final decision.

ceive commission, excepting in the cases herein specified.

XIV. When a collector shall have ground to believe that any land exceeding one hundred beeghas, *and alienated by any one grant previous to the 1st December* 1790, *is held exempt from the payment of revenue under an invalid title, he is to state such information as he may possess, or be able to procure respecting it, to the Board of Revenue, who, if there shall appear to them ground to believe that the land is liable to the payment of revenue, are empowered to order the collector to institute a suit for the recovery of the public dues. The Board of Revenue are likewise empowered, previous to ordering the institution of the suit, to authorize the collector to demand from the proprietor, by a written requisition under his official seal and signature, and expressly specifying it to be made pursuant to the orders of the Board, to deliver into his custody by a time to be limited in the requisiton, all the writings in virtue of which he may possess such lands, or under which they may have been held exempt from the payment of revenue. The collector is to give a receipt for the writings. If the proprietor shall omit or refuse to deliver the writings within the limited time, the Board of Revenue are empowered to order the collector to issue a second and similar requisition to him to deliver the writings by a specific day, and shall at the same time impose such daily fine on the proprietor, as they may judge proper, upon a consideration of his situation and circumstances in life; and the amount of the fine shall be levied by the process prescribed for the recovery of arrears of revenue: and if the proprietor shall not deliver up the writings by the time prescribed in the second requisition, the Board of Revenue are empowered to attach the lands, and collect the rents on account of Government, until the proprietor shall produce the writings, or the lands shall be adjudged liable to the payment of revenue. If the proprietor shall deny that he has any writings, or shall not deliver up all the writings, and upon a suit being instituted against him for the recovery of the public dues, he shall in the first case produce any writing, or in the second, any writing or writings besides such as he may have delivered to the collector, the writing or writings so produced, shall not be received by the court in evidence, nor shall they have any weight in the decision, any more than if they had never existed, unless in the second case, he shall show good cause to the satisfaction of the court for not having produced the writings, and shall prove that he assigned such cause in answer to the collector's requisition. But no collector is to require any person holding land exempt from the payment of revenue to produce his title deeds or writings, (excepting for the registry of them by the publication specified in Section 25, or to institute a suit for the recovery of the dues of Government from such exempted lands, without obtaining the previous orders of the Board of Revenue for that purpose; and any suits that may have been instituted by the assistants to the collectors for the recovery of the dues of Government from lands held exempt from the payment of revenue, which may now be depending in any of the courts of judicature, are not to be proceeded in, until the sanction of the Board of Revenue shall be obtained for that purpose. Such suits, if the grants which constitute the subject of them, shall come within the description of the grants specified in Section 6, and the Board of Revenue shall approve of the prosecution of them, are to be carried on by the collectors, and to be decided upon under this regulation. The Board of Revenue are empowered, without receiving any previous report from the collectors, to order suits to be instituted for the recovery of the public dues from lands, which they may have ground to believe are held under invalid titles.*

Collector to report to the Board of Revenue whenever he may receive information of land held under an invalid tenure.

Board, if they see grounds, empowered to order the collector to sue for the recovery of the public dues,

and may require the proprietor to deliver up his title deeds,

and may fine him on his refusing to deliver up the writings upon the first requisition,

and levy the amount in the same manner as arrears of revenue,

and attach the lands upon his not complying with the second requisition.

Proprietors denying that they have any writings, not to be allowed to avail themselves of any writings they may afterwards produce.

Qualification of the rule.

Collectors prohibited requiring from the proprietor of a grant, his title deeds, or instituting a suit against him, without the previous sanction of the Board of Revenue.

Suits for the recovery of the public dues instituted by the assistants to the collectors, and now depending, not to be prosecuted without the orders of the Board of Revenue.

Board of Revenue may order suits to be instituted without any previous report from the collectors.

XV. The collectors of the revenue are to defend all suits that may be instituted against Government, by any individual claiming a right to hold lands exempt from the payment of public revenue; and such suits, and the suits which the Board of Revenue may direct the collector to institute, are to be defended and prosecuted by the *vakeel* of Government under the instructions of the collector; and in the event of Government being cast, either wholly or

Collector to defend suits instituted by individuals to hold land exempt from the payment of revenue.

Vakeel of Government to defend or prosecute suits.

instituted against, or by Government.

Rules to be observed by the collector in the event of Government being cast wholly, or in part.

or in part, or, if the collector shall be dissatisfied with the decree in any respect, all the rules contained in Section 30, Regulation XIV. 1793, and the other sections in that regulation, respecting decisions given against a collector in any *zillah* court, in suits instituted against him by any proprietor or farmer of land, for sums of money demanded or actually received by him as arrears of revenue, are to be held applicable to such decree, with this difference, that the suit, from the commencement of it, is to be defended or carried on at the expence of Government, and in the event of the Board of Revenue not deeming it proper to order an appeal against the decision of the *zillah* court to be preferred to the provincial court of appeal, or against the decision of the provincial court to the Sudder Dewanny Adawlut, in the event of their ordering the cause to be appealed to the provincial court, and of its being given against them therein, they are to report their reasons in both cases for not preferring the appeal to the Governor General in Council, who will direct the cause to be appealed or not, in either case, as may appear to him proper.

Courts to award adequate costs and damages in cases of litigious, vexatious, or groundless prosecutions being instituted under this regulation.

XVI. If a suit shall be brought before a court of judicature by the collector, or any officer of Government, or by a proprietor, or a farmer of land, or a dependant* talookdar, *for the recovery of the revenue of lands now held exempt from the payment of revenue, or by any individual, to hold exempt from the payment of revenue, lands which are now subject to the payment of revenue, and it shall appear to the court that the suit was instituted upon insufficient grounds, or from vexatious or other unjustifiable motives, it shall award against the prosecutor, in favour of the party sued, such costs and damages as may appear to it equitable, upon a consideration of the circumstances of the case.*

Grants forged or altered in any respect, or antedated, declared void.

XVII. If it shall appear to any court of judicature during the course of a trial, that a grant for land to be held exempt from the payment of revenue, dated prior to the 1st December 1790, has been forged, or that the name of the original grantee has been erased, and any other name substituted, or that any name not in the original grant has been inserted, or that the denomination of the tenure in the original grant has been erased or altered, or that the date of the grant has been changed, or that the grant has been antedated, the grant shall be adjudged null and void, as far as regards the exemption of the land from the payment of revenue, and the land shall be subjected to the payment of revenue accordingly.

Persons concerned in the fraud, liable to a criminal prosecution.

XVIII. Any person by whom any of the frauds specified in the preceding section may appear to have been committed, or who may have been concerned therein, shall, provided the court is of opinion that there are sufficient grounds for a criminal prosecution, be committed or held to bail (according to the circumstances of the case) to take his trial before the court of circuit.

Proprietors of land adjudged subject to the payment of revenue, to pay the jumma *from the date of the first decision, adjudging the land not exempted.*

XIX†. The proprietor of a grant of exempted land which may be adjudged liable to the payment of revenue, shall not be required to refund any part of the collections which he may have made from the land previous to the date of the first decree adjudging the land subject to the payment of revenue, whether it be given in the zillah *court, the provincial court of appeal, or the Sudder Dewanny Adawlut. But he shall pay the* jumma *which may be assessed upon the lands from the date of such first decree, adjudging the land subject to the payment of revenue.*

Cases in, and rules under which certain grants are to be transferable.

XX. Grants of land, which from the terms of the grant, or the nature of the tenure, are hereditary, and are declared valid by this regulation, or which have been or may be confirmed by the British Government, or any of its officers, possessing competent authority to confirm them, are declared transferable by gift, sale, or otherwise; and all persons succeeding to such grants by whatever mode, are required to register their names in the office of the collector, within six months after they may succeed to the grant. But all such purchases are to be considered as made at the risk of the purchaser, and in the event of the grant not proving to be hereditary, or not to have been made or confirmed by the British Government, or its officers possessing competent authority, the transfer is not to preclude the land from being subjected to the payment of revenue under this regulation.

* Rescinded by Clause second, Section 2, Regulation II. 1819.
† Rescinded by Clause second, Section 2, Regulation II. 1819.

XXI. *First.* When land of the description specified in Section 7, shall be finally adjudged liable to the payment of revenue, the name or names of the village or villages, or land included in the grant, and the measurement thereof, the *pergunnah* in which the land granted may be situated, the amount of the public revenue payable therefrom, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions, directed to be kept by Section 33, and opposite to such entry the collector is to insert in red ink, the number of the page in the periodical register directed to be kept by Section 22, in which the lands may stand recorded, and in the periodical register, he is to specify in red ink, the number of the page in the register of intermediate resumptions, in which the decree, adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. These entries in the register of intermediate resumptions, are likewise to be inserted in the register of intermediate mutations in landed property paying revenue to Government, directed to be kept by Section 16, Regulation XLVIII. 1793, in order that the land may be recorded in its proper place, as an estate paying revenue to Government, in the next quinquennial register which may be formed agreeably to the abovementioned regulation. The collector is to insert in red ink, opposite to the entries relating to such lands in the periodical register and the register of intermediate resumptions, the number of the page in the register of intermediate mutations in which the above required entries may be made; and he is also to specify in red ink, opposite to such entries in the register of intermediate mutations, the number of the page in the periodical register, and the register of intermediate resumptions, in which the entries respecting the lands may be inserted.

Record of lands specified in Section 7, adjudged liable to the payment of revenue, where to be made.

Second. When land of the description specified in Section 6, shall be finally adjudged liable to the payment of revenue, the measurement of the land, the name of the *pergunnah* in which it may be situated, the *jumma* payable therefrom, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions, and opposite to such entry, the collector is to insert in red ink, the number of the page in the periodical register in which the lands may stand recorded; and in the periodical register, he is to insert in red ink, the number of the page in the register of intermediate resumptions, in which the decree adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. The lands mentioned in this section not being liable to the payment of revenue to Government, no entry respecting them is to be made in the register of intermediate mutations, or the quinquennial register directed to be kept by Regulation XLVIII. 1793.

Record of lands specified in Section 6, adjudged liable to the payment of revenue, where to be made.

Third. When land now subject to the payment of revenue shall be finally adjudged to be exempted from the payment of revenue, the name or names of the village or villages, or land which may be so exempted, the measurement thereof, the *pergunnah* in which it may be situated, the name or names of the proprietor or proprietors, the amount of the *jumma*, and a copy of the decree, are to be entered in the register of intermediate mutations, and the collector is to insert in red ink, opposite to such entry, the number of the page in the last formed quinquennial register, in which such village or villages, or the village or villages in which the lands may be situated may be recorded, that the lands included in the grant may be omitted in the quinquennial register which may be next formed, and also the number of the page in the register of intermediate resumptions, in which such entries are also to be recorded, that they may be inserted in their proper place in the periodical register of land held exempt from the payment of revenue, and the collector shall insert in red ink opposite to such entries, the number of the page in the register of intermediate mutations from which they may have been taken. The rules in this clause are to be observed likewise, in case the Governor General in Council should deem it proper, from particular circumstances, to renew any former grants, the land included in which may be now subject to the payment of revenue.

Record of land now subject to the payment of revenue, but which may be hereafter adjudged exempt from the payment of revenue, where to be made.

Rule to apply to old grants renewed by Government.

XXII. That Governmen and its officers, may at all future periods have in their possession, a complete register of the lands throughout the provinces, held exempt from the payment of revenue under grants of the nature of those described in this regulation, and with a view to prevent any such grants being made in future, a register of all lands, whether exceeding or under one hundred *beeghas*, held exempt from the payment of revenue under

Register of lands held exempt from the payment of revenue prior to the 1st December 1790, to be formed every five years.

Contents of the register.

under grants made previous to the 1st December 1790, shall be formed every five years in each zillah. The register is to specify the denomination of each grant, whether *bermooter*, *bishunpereet*, or other tenure; the names of the grantor, the original grantee, and the person in possession, and if the person in possession be not the original grantee, his relationship to him, if any relationship exists, and in virtue of what right he succeeded to the grant; the date of the grant; the names of the village or villages comprised in the grant, or in which the land granted may be situated; the measurement in *beeghas* of the village or villages, or the land included in the grant, and the name of the *pergunnah* in which the land granted may be situated. The register shall be denominated the "periodical register of lands, held exempt from the payment of revenue under grants made previous to the 1st December 1790, not being *badshahee* or royal grants."

Denomination of the register.

Board of Revenue to prepare a form for the periodical register.

Collectors to adhere to the form.

XXIII. Upon the receipt of this regulation, the Board of Revenue are to prepare a form for the periodical register, and transmit a copy of it for the guidance of the collectors, who are strictly enjoined to adhere to it.

Holders of land exempt from the payment of revenue, allowed one year to register them from the time specified in Section 25.

XXIV. All persons actually holding lands exempt from the payment of public revenue, whether exceeding or under one hundred *beeghas*, in virtue of grants made previous to the 1st December 1790, and whether made or confirmed by the government of the country for the time being, or any other authority, shall be allowed one year from the date of the publication prescribed in the following section, to register the required particulars respecting their grants in the office of the collector of the revenue of the *zillah* in which the lands may be situated.

Publication to be made, requiring all persons to register their grants.

XXV. To prevent any pleas being hereafter urged of ignorance of the rule contained in the preceding section, the collector of each *zillah*, upon the receipt of this regulation, is to cause the following publication, which shall be written in the Bengal and Persian languages in Bengal and Orissa, and in the Persian language and the Hindoostanee language and Nagree character in Behar, and attested with their official seals and signatures, to be fixed up in the principal *cutcherree* of every proprietor and farmer of land in the *zillah* paying revenue immediately to Government, and of every native collector in lands held *khas* by Government; and, where the estate of any proprietor with whom a settlement may have been concluded, or the farm of any farmer, or lands held *khas*, shall consist of two or more whole *pergunnahs*, or portions of *purgunnahs*, he shall cause the publication to be fixed up in the principal *cutcherree* in each *pergunnah*, or portion of a *pergunnah*, comprised in such estate, farm, or *khas* lands, and take a receipt, specifying the date on which the publication may be fixed up, from such proprietor, farmer, or native officer, who shall respectively be held responsible for the paper remaining so affixed for one year from the date of it.

Publication.

"In conformity to Regulation XIX. 1793, every person being actually in possession of *bermooter*, *bishunpereet*, or other land, now exempt from the payment of revenue, in the estate of ——, or the farm of ——, or the *khas* lands under the charge of ——, whether exceeding or under one hundred *beeghas* of the measurement of the *pergunnah* in which the land may be situated, and whether comprising or lying in one village, or two or more villages, and which may be held in virtue of any grant made previous to the first December 1790, corresponding with the 18th Aughun 1197 Bengal era, the 10th Aughun 1198 Fussily, the 18th Aughun 1198 Willaity, and whether made or confirmed by the government of the country for the time being, or its officers, or any other authority, are required to register the following particulars respecting such lands in the office of the collector of the *zillah*, before the expiration of one year from the date of this publication. If any holders of such grants, who shall not so register their grants either in person, or by *vakeel*, with a *vakalutnamah*, attested by two credible witnesses, and given for the express purpose of registering the grant, the lands will be considered liable to the payment of revenue in the same manner as if they had been adjudged to be so by a final decree of a court of judicature. Persons having claims only to hold land exempt from the payment of revenue, but who do not now hold the lands exempt from the payment of revenue, are not to register the land so claimed by them.'

Denomination of the grant, whether *bishunpereet*, *bermooter*, or other tenure.

Name of the grantor.

Name of the original grantee.

Name of the present possessor, and, if he be not the original grantee, his relationship to him, and whether he succeeded to the land hereditarily, or by purchase, or what other mode.

Date of the deed, if the grant be in writing, and if not, the date on which the grant was made.

The name or names of the village or villages comprised in the grant, or in which the land may be situated.

The measurement of each village, or the villages, or the land included in the grant.

The *pergunnah* or *pergunnahs* in which the lands may be situated.

A copy of the original grant or other writings under which the land may be held."

Lands not registered within the prescribed time, declared subject to the payment of revenue, unless the Governor General in Council shall admit them upon the register.

XXVI. If any person in possession of any such grant of land now held exempt from the payment of revenue, shall omit to register it by the time prescribed in the publication, together with as accurate a detail of the particulars thereby required as he may be able to furnish, the land included in the grant, shall by such omission, become subject to the payment of revenue, in the same manner as if it had been adjudged liable to the payment of revenue by a final decree of a court of judicature, and the collector, if the land shall exceed one hundred *beeghas*, shall proceed to assess the lands accordingly; and if it shall be under one hundred *beeghas*, the party to whom the revenue of the land may be payable under section 6, is empowered to assess the lands as therein directed. The Governor General in Council, however, reserves to himself the power of admitting any grant upon the register after the expiration of the prescribed time, in the event of the possessor of the land showing good and sufficient cause to his satisfaction for not having registered it within the limited period, and the Board of Revenue are to report to the Governor General in Council every case in which persons who may have omitted to register their grants as required, may appear to them entitled to have their grants admitted upon the register.

Grants not registered within the prescribed period, or admitted by the Governor General in Council, to be considered invalid.

XXVII. After the expiration of the period limited for registering grants, all grants not registered within the prescribed time, and which may not be subsequently admitted on the register by the Governor General in Council, are declared invalid as far as regards the exemption from the payment of revenue, and the land shall be assessed with revenue as directed in Section 26.

Registry of lands not to be considered as an admission of the possessor's proprietary right in the soil, nor of his title to hold the land exempt from the payment of revenue.

XXVIII. It is expressly declared, however, that the registry of grants under this regulation, is not to be considered as an admission of the right of the person in whose name they may be registered, to the property in the soil, or of his title to hold the lands exempt from the payment of revenue. Any person will be at liberty to sue him in the *dewanny adawlut* for the former, and he will be liable to be sued for the recovery of the latter, by the collector, with the sanction of the Board of Revenue, in the event of it appearing to that Board that the lands are liable to the payment of revenue.

Collectors to prepare the register upon the expiration of the period limited for the registry of the grants.

Inscription on the back of the register.

Book to be paged, and each page to be attested by the judge of the *zillah*.

Judge to specify the number of pages in the book on the last leaf.

XXIX. Upon the expiration of the period for registering the grants in each *zillah*, the collector is to prepare a draft of the register in the form which may be prescribed by the Board of Revenue, and to cause it to be transcribed into a book of such dimensions as they may direct. The book shall have the following inscription on the back of it: "Periodical register formed under Regulation XIX. 1793, of lands held exempt from the payment of revenue, under grants not *badshahee* or royal, made previous to the 1st December 1790, in the zillah of ——, at the commencement of the year —— Bengal (Fusilly or Willaity) era, corresponding with the year of our Lord ——. Number ——." Each leaf of the book shall be paged, and be signed by the judge of the *dewanny adawlut* of the *zillah*, and on the last leaf of the book, he is to note in his own handwriting, the number of pages in the book, and subscribe the note with his signature, and no register is to be deemed authentic but such as may be entered in a book so paged and attested. The first periodical register is to be numbered one.

Second periodical register to commence with the year 1207, to be numbered two, and the subsequent registers in their order.

XXX. The second periodical register is to commence with the year 1207 of the era current in each province. This register is to be numbered two, and the periodical registers to be prepared at the commencement of every subsequent five years, in the order in which they may be formed.

Counterpart register in the native languages to be kept by the keepers of the native records.

XXXI. The keepers of the native records are to keep an exact counterpart of the English periodical register, in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the judge of the *dewanny adawlut* of the *zillah*, in the same manner as the books containing the English registers; and no other counterparts of the registers of estates shall be considered as authentic, but such as may be entered in a book so paged and attested.

In what language the counterpart registers are to be kept.

XXXII. The counterpart registers in Bengal and Orissa, are to be kept in the Bengal and Persian languages; and in Behar, in the Persian language and the Hindoostanee language and Nagree character.

Manner in which resumptions and other occurrences regarding exempted lands in the intervals between the forming of the periodical registers are to be recorded.

XXXIII. For the purpose of recording all resumptions, or other occurrences respecting the lands which form the subject of this regulation, that may take place during the interval of the five years, between the forming of each periodical register, and the particulars of which will be necessary for forming the second and all future periodical registers, the collectors are to prepare a book of such dimensions as the Board of Revenue may prescribe, and which shall be denominated, "The register of intermediate resumptions, or other occurrences respecting grants of exempted land not *badshahee*," and shall have the following inscription on the back, "Register formed under Regulation XIX. 1793, of intermediate resumptions, or other occurrences respecting lands held exempt from the payment of revenue, under grants not *badshahee* or royal, made previous to the 1st December 1790, in the *zillah* of ——, between the commencement of the year ——, and the end of the year ——, Bengal (Fusilly, or Willaity) era." Previous to any entries being made in this register, it is to be paged, and the judge of the *dewanny adawlut* of the *zillah* is to sign each leaf of it, and on the last leaf, note in his own handwriting, the number of pages contained in the book, and attest the note with his signature. The collector is to cause to be entered in this register, all grants not registered within the time prescribed in the publication in Section 25, which the Governor General in Council may order to be admitted upon the register under Section 26; all grants of exempted land that may be adjudged or become liable to the payment of revenue; all lands now paying revenue which may be adjudged not subject to the payment of revenue; all old grants of land now subject to the payment of revenue, which the Governor General in Council may judge it proper from particular circumstances to renew; and all exempted lands which may be separated from or annexed to the jurisdiction of the *zillah*, with the authority for these several occurrences, and also the particulars for completing the requisite entries in the register of intermediate mutations in landed property paying revenue to Government, in the cases specified in Section 21, in which entries are directed to be made in that register.

Documents respecting exempted lands to be furnished by collectors of *zillahs* from which separations may be made.

XXXIV. When *mohauls* are ordered to be separated from one *zillah* and annexed to another, the collector of the *zillah* from which the separation is to take place, is to transmit to the collector of the *zillah* to which the annexation is to be made, a copy of the entries in the preceding periodical register, as far as they may regard the lands held exempt from the payment of revenue in such *mohauls*; and also of any entries respecting them in the register of intermediate resumptions which may have taken place subsequent to the forming of the last periodical register.

How such separations and annexations of exempted lands are to be notified to the courts of judicature.

XXXV. Upon the arrival of the period when the separation is to be carried into effect, the collector of the *zillah* from which the separation may be directed to be made, is to transmit to the judge of the *dewanny adawlut* of his *zillah*, and also to the provincial court of appeal of the division, copies of the entries in the last periodical register, and register of intermediate resumptions, which may relate to the grants to be separated from his *zillah*; and the collector to whose *zillah* the annexation may be made, is to transmit copies of the abovemention entries (with which he is directed to be furnished in the preceding section) to the judge of the *zillah*, and to the provincial court of appeal of the division in which it may be included. Immediately upon the receipt of these papers, the courts from the jurisdiction of which the separations may be made, are to transmit the papers in the causes depending before them, which, in consequence of the separation, may become cognizable in any other provincial court of appeal, or *zillah* court, to such court, and to cause notification thereof to be communicated to the parties in writing.

XXXVI. The collectors are to attest all entries in the register of intermediate resumptions with their official signatures, and they are strictly enjoined never to allow the register of intermediate resumptions to fall in arrear, but to make the necessary entries immediately upon any resumptions, or other occurrences taking place.

Collectors enjoined never to allow the register of intermediate resumptions to fall in arrear.

XXXVII. A counterpart of the register of intermediate resumptions, is to be kept by the keepers of the native records in the same form as the English register, and in a book, the leaves of which are in like manner to be paged and attested by the judge of the *dewanny adawlut* of the *zillah*.

Counterpart of the English register of intermediate resumptions to be kept by the keepers of the native records.

XXXVIII. When a periodical register shall have been transcribed fair into the book attested by the judge of the *zillah*, as directed in Section 29, if it shall be discovered that the entries respecting any land are erroneous or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered or erased, but are to stand, and the collector is to cause the errors or omissions to be noted in the register of intermediate resumptions, and to attest the entry with his signature, and insert in red ink, opposite to the erroneous or incomplete entry in the periodical register, the number of the page in the register of intermediate resumptions in which the errors or omissions may be noted, and at the end of the note, specify the number of the page of the periodical register in which the property may be registered. Errors or omissions in the register of intermediate resumptions are to be noted in a similar manner.

How errors in the fair copy of the periodical register, and in the register of intermediate resumptions are to be corrected.

XXXIX. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records, are to be noted by them in the same manner as the collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate resumptions in the country languages shall, in addition to the attestation of the keepers of the native records, be signed by the collector.

Similar rule with regard to errors in the counterpart of the quinquennial register and register of intermediate resumptions in the native languages.

XL. If the proprietary right in any grant of exempted land, shall be under litigation in a court of justice, at the time of forming the first, or any subsequent periodical register, the party in possession is to be registered as the proprietor.

Persons in possession of disputed grants to be registered as the proprietors.

XLI. If a collector shall have occasion to require from the holder of a grant, any information that may be necessary to enable him to form a periodical register, or to make the requisite entries in the register of intermediate resumptions, and such person shall omit to furnish it by the time required, after having been served by the collector with a written requisition for that purpose under his official seal and signature, the collector is to report the circumstances to the Board of Revenue, who are empowered to impose on such person whatever daily fine may appear to them proper on a consideration of his situation and circumstances in life and of the case, until he shall furnish the information required, unless he shall prove to the satisfaction of the Board, that it was not in his power to furnish it. The collector is to levy the amount of such fines by the process to which he is authorized to have recourse for the recovery of arrears of revenue. The Board of Revenue are to furnish the collectors in the several *zillahs* with such records or information as they may possess regarding the exempted lands in their respective *zillahs*, as well to assist them in preparing the first periodical register, and in detecting frauds that may be attempted to be practised upon them in registering the grants, as to aid them in ascertaining what lands, now held exempt from the payment of revenue, are liable to the payment of revenue under this regulation.

Holders of grants liable to be fined, for omitting to furnish any information that may be required by the collectors for preparing the registers.

Board of Revenue to furnish the collectors with all papers and information they may possess regarding the exempted lands in their respective *zillahs*.

XLII. The collectors of the several *zillahs* are to transmit as early as may be practicable, to the Board of Revenue, an attested copy of the periodical registers both in the English and the native languages, each in a book of the prescribed size, paged and attested by the judge of the *dewanny adawlut* of the *zillah*, in the same manner as the original register, as directed in Section 29; and within one month after the expiration of the third, sixth, ninth, and twelfth months of the Bengal, Fussily, and Willaity year, (according to the era current in their respective districts,) an attested copy of the entries in the register of intermediate resumptions that may have taken place during the three preceding months. * *The collector of each* zillah *is to transmit a similar copy of the periodical register, and of the quarterly entries in the register of intermediate resumptions, to the judge of the* dewanny

To whom the collectors are to send copies of each periodical register, and of the quarterly entries in the register of intermediate resumptions.

* Rescinded by Section 15, Regulation VIII. 1800.

adawlut *of the* zillah, *and to the provincial court of appeal in the jurisdiction of which the* zillah *may be included. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the periodical registers of each* zillah, *and of the quarterly entries in the registers of intermediate resumptions, as soon as they may receive them from the collectors.*

Courts, the Board of Revenue, and the collectors, to be careful to preserve the old periodical registers and registers of intermediate resumptions.

XLIII. The courts of judicature, the Board of Revenue, and the collectors, are enjoined to be particularly attentive to the preservation of the periodical registers and registers of intermediate resumptions, both in the English and native languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects, or otherwise.

From what materials the periodical register commencing with 1207, and subsequent registers are to be formed.

XLIV. The periodical register which is to be formed in each of the *zillahs* in Bengal, Behar, and Orissa, at the commencement of the Bengal, Fussily, and Willaity year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding periodical register, and the entries in the subsequent register of intermediate resumptions, with the omission of any grants of land that may have been subjected to the payment of revenue during the preceding five years, or that may have been transferred to the jurisdiction of another *zillah*, and with the addition of any such grants of land that may have been annexed to the *zillah*, or that may have been adjudged not subject to the payment of revenue, or that may have been admitted upon the register by the Governor General in Council under Section 26. The materials for each periodical register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book, arranged according to the prescribed form.

Penalty for native officers receiving money or property on account of the registry of grants.

XLV. If it shall be proved to the satisfaction of the judge of the *dewanny adawlut* of any *zillah*, that a native officer of a collector, or of an assistant to a collector, shall have received, directly or indirectly, any sum of money, or effects, or other property, from any person for registering a grant under this regulation, or on account of any matter relating to the registry thereof, the court shall adjudge him dismissed from his office, and compel him to repay the money proved to have been taken, with a fine of three times the amount to Government, and costs to the party suing him, and commit him to prison until he shall have discharged the amount of the decree, or it shall have been made good by the sale of his property.

Penalty for private servants or dependants of a collector, or of an assistant to a collector, convicted of the offence specified in the preceding section.

XLVI. If any native servant, or dependant of a collector, or of an assistant to a collector, not being a public officer, shall be convicted before the court of *dewanny adawlut*, of the offence specified in the preceding section, he shall be compelled to restore the money to the person from whom it may have been taken, and to pay a fine of three times the amount to Government, with costs to the party suing, and be confined for six months; and if he shall not discharge the amount of the decree by the expiration of the sixth month, he shall be confined until he makes good the amount, or it shall be realized from the sale of his property; and the collector, or assistant, is to discharge such servant, and never to employ him in his public or private capacity.

Rules respecting life grants applicable to grants for a term.

XLVII. All the rules in this regulation respecting lands now held, or that may be claimed to be held, exempt from the payment of revenue, under life grants made previous to the date of the Company's accession to the *dewanny*, are to be considered equally applicable to grants made previous to that date for a term only.

Grants made or confirmed by the late superintendents of the *bazee-zemin dufter* in Bengal, not to be annulled by this regulation.

XLVIII. No part of this regulation is to be considered to annul any grants for holding land exempt from the payment of revenue, made or confirmed by the late superintendents of the *bazee-zemin dufter* in Bengal, in virtue of the powers vested in them.

Regulation not to be considered to extend to *badshahee* grants.

XLIX. Nor to extend to *jaghire*, *altumgah*, *muddud-maash*, *ayma*, or other grants of land termed *badshahee*, or royal, and held, or stated to be held, under a royal *furmaun*. The rules applicable to such grants are contained in Regulation XXXVII. 1793.

BENGAL SECRETARIAT LIBRARY

A. D. 1793. REGULATION XX.

A REGULATION *for empowering the Zillah and City Courts, the Provincial Courts of Appeal, and the Sudder Dewanny Adawlut, and the Nizamut Adawlut, to propose Regulations regarding Matters coming within their Cognizance.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

THAT the Governor General in Council may be apprized of such general or local regulations as the magistrates, or any of the civil or criminal courts of judicature, or any of the judges of those courts, may deem it advisable to propose respecting matters coming within their cognizance; and at the same time, to prevent any such regulations being suggested until they have been duly considered; and that all such regulations as may be proposed by the judges of the *zillah* or city courts, or the magistrates, may be submitted to the Governor General in Council, with the opinions of the provincial courts of appeal, or courts of circuit, and the Sudder Dewanny Adawlut, or the Nizamut Adawlut respecting them; and that regulations originating with the provincial courts of appeal, or the courts of circuit, may come before the Governor General in Council, with the opinion of the Sudder Dewanny Adawlut, or the Nizamut Adawlut; the following rules have been enacted.

Magistrates, and the civil and criminal courts of judicature, empowered to propose regulations regarding matters coming within their cognizance.

II. The judges of the courts of *dewanny adawlut* established in the several *zillahs*, and in the cities of Patna, Dacca, and Moorshedabad, both in their capacity of judges of those courts, and as magistrates; the judges of the provincial courts of appeal, in their capacity of judges of those courts, and as judges of the courts of circuit; and the judges of the Sudder Dewanny Adawlut, and the Nizamut Adawlut, are respectively empowered to propose regulations regarding any matters coming within their cognizance, under the rules hereafter prescribed.

Rules to be observed by the judges and magistrates of the *zillahs* and cities in proposing regulations.

III. If a judge of a *zillah* or city court, or a magistrate, shall deem it advisable to propose any regulation, he is to draft it in the form, and agreeably to the rules prescribed in Regulation XLI. 1793, for drafting regulations passed by the Governor General in Council, and to submit the regulation so drafted, to the provincial court of appeal, or the court of circuit of the division, according as the matter to which the regulation may relate, may be of a civil or a criminal nature.

Regulation how to be forwarded to the provincial court, or the court of circuit.

IV. The regulation so drafted, is to be transmitted by the register, or the assistant to the judge or magistrate, with a copy of his order for forwarding the regulation to the provincial court, or the court of circuit, attested with the official seal of the court, or the magistrate, and the signature of the register or assistant, under a cover addressed to the register of the provincial court of appeal, or the court of circuit.

Register to the provincial court of appeal or court of circuit, to lay the regulation before the court.

V. The register to those courts is to submit the regulation to the court, who are to proceed to take it into consideration, provided it be drafted and transmitted in the manner prescribed. If the regulation shall not be so drafted and transmitted, they are to make an order

Court to take it into consideration, provided it be properly drafted and transmitted, otherwise, to order the regulation to be returned in the manner herein directed.

Judge or magistrate to draft and transmit the regulation as prescribed.

order of court, for the return of it to the judge or magistrate, in which shall be concisely stated, wherein the prescribed rules for drafting and transmitting the regulation have not been observed; and the register is to return the regulation, accompanied by the order of the court, attested with his official signature, and the seal of the court, to the register or assistant to the judge or magistrate, by whom the regulation may have been proposed. The judge or magistrate is to conform to the observations contained in the order, and to direct his register or assistant, to return the regulation to the register to the provincial court of appeal, or the court of circuit, who are to proceed to take it into consideration.

Provincial court of appeal, or court of circuit, how to proceed, if they unanimously approve or disapprove of the regulation entirely,

or in part only;

VI. If the court shall approve, or disapprove of the regulation altogether, they are to forward the draft of it to the register to the Sudder Dewanny Adawlut, or the Nizamut Adawlut, according as the matter to which it may relate, may be of a civil or a criminal nature, with a letter stating the grounds of their approval, or disapproval.

VII. If the court shall approve of the regulation in part only, they are to forward an attested copy of the proposed regulation, as submitted by the judge or magistrate of the *zillah* or city, and a separate draft of the regulation, framed agreeably to their own opinion, with a letter stating at large the reasons which may have induced them to suggest the alterations in the proposed regulation.

or in case a difference of opinion shall arise respecting it.

VIII. If a difference of opinion shall arise amongst the judges of the court, regarding the proposed regulation, each judge is to be at liberty to record his opinion on the proceedings of the court, together with a draft of the regulation framed agreeably to his opinion, unless he shall approve or reject the proposed regulation altogether, in which case he is only to state the grounds of such rejection or approval on the proceedings of the court. The court are to submit the regulation proposed by the judge or magistrate, with their own proceedings respecting it, to the Sudder Dewanny Adawlut, or the Nizamut Adawlut.

Sudder Dewanny Adawlut, or the Nizamut Adawlut, how to proceed upon the receipt of the regulation proposed by the judge or magistrate, and the proceedings of the provincial court of appeal or court of circuit respecting it.

IX. The Sudder Dewanny Adawlut, or the Nizamut Adawlut, are to submit all the proceedings and documents which they may so receive from the provincial court, or the court of circuit, to the Governor General in Council, and, if they disapprove of the regulation altogether, or approve of any one of the drafts of it, with a separate letter stating the grounds of such approval or disapproval, or, if they shall deem it advisable to adopt any one of the drafts with alterations, with a draft of the regulation framed agreeably to their opinion, and a separate letter detailing their reasons for the alterations.

Provincial court and courts of circuit, not to communicate to the judge or magistrate their opinion on the regulation which he may propose to them.

X. The provincial courts of appeal and the courts of circuit, are not to communicate to any judge or magistrate, the grounds on which they may approve, reject, or alter the draft of the regulation which he may propose; but the Sudder Dewanny Adawlut, or the Nizamut Adawlut, upon the draft being submitted to them by the provincial court, or court of circuit, may require information on any points immediately from the judge or magistrate by whom the regulation may have been proposed, but not through the medium of the provincial court of appeal, or court of circuit; and in such cases, they are to submit their queries, and the answer of the judge or magistrate, with the other documents regarding the regulation, to the Governor General in Council. The Sudder Dewanny Adawlut, or the Nizamut Adawlut, may likewise require information regarding such, or any proposed regulation, from the provincial court of appeal, or court of circuit.

Provincial courts of appeal and courts of circuit, or any one or two of the judges of those courts, may propose regulations.

How to proceed if the regulation be proposed by the court collectively, or if it be proposed by one or two judges, and it be approved unanimously, or a difference of opinion shall arise respecting it.

XI. The provincial courts of appeal, and the courts of circuit, or any one, or two, of the judges of those courts, may propose a regulation drafted in the manner prescribed. If the regulation shall be proposed by the court collectively, or by one, or two, of the members, and the court shall approve of it unanimously, they are to forward the draft to the Sudder Dewanny Adawlut, or the Nizamut Adawlut. If a difference of opinion shall arise in the court, regarding a regulation proposed by one, or two, of the judges, the judges are to record their sentiments on the proceedings of the court, with a draft of the regulation framed agreeably to their respective opinions, unless any one or two of the judges should be of opinion, that the proposed regulation ought to be adopted or rejected altogether, in which case, such judge or judges shall only state the grounds of his or their opinion on the proceedings of the court, which are to be forwarded to the Sudder Dewanny Adawlut, or the Nizamut Adawlut.

Sudder Dewanny Adawlut, or the Nizamut Adaw-

XII. The Sudder Dewanny Adawlut, or the Nizamut Adawlut, are to submit all the proceedings and documents which they may so receive from the provincial court of appeal,

or the court of circuit, to the Governor General in Council, and, if they disapprove altogether of the regulation so submitted to them, or approve of any of the drafts, they are to state the grounds of such approval or disapproval in a separate letter. If they shall deem it advisable to adopt the proposed regulation with alterations, they are to submit the regulation framed according to their opinion, with a separate letter stating their reasons for the alteration, with all the documents received from the provincial court of appeal, or the court of circuit, to the Governor General in Council.

lnt, how to proceed upon the receipt of the regulation from the provincial court of appeal or court of circuit.

XIII. If the provincial courts of appeal, or the courts of circuit, shall submit to the Sudder Dewanny Adawlut, or the Nizamut Adawlut, any regulation originating with themselves that may not be drafted in the manner prescribed, the court is to return the regulaton to the court by which it may have been proposed, and to point out to them the deviation from the prescribed form of drafting the regulation. The court which may have submitted the regulatlon, is to return the draft corrected agreeably to the directions of the superior court, who are then to proceed with it, as directed in the preceding section.

Sudder Dewanny Adawlut, or the Nizamut Adawlut, to return to the provincial courts or courts of circuit, any regulations originating with them that they may submit, and which may not be drafted in the prescribed form.

XIV. All regulations which the Sudder Dewanny Adawlut, or the Nizamut Adawlut, may deem it advisable to propose to the Governor General in Council, are to be drafted in the prescribed form.

Sudder Dewanny Adawlut, and Nizamut Adawlut to draft regulations which they may propose in the prescribed form.

XV. The Governor General in Council will reject, or adopt, any regulation, that may be submitted to him under this regulation; or pass such regulation as may appear to him proper.

The Governor General in Council will reject or adopt the proposed regulation, or pass such regulation as may appear to him proper.

A. D. 1793. REGULATION XXI.

A REGULATION *for establishing in each Zillah, an Office for keeping the Records in the native Languages which relate to the public Revenue, and prescribing Rules for the Conduct of the Keepers of the Records.*— PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussly; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

THE public revenue payable from estates with the proprietors of which a settlement has been or may be concluded, being declared fixed in perpetuity, it becomes essential to the future security of the dues of Government, and of the rights and property of individuals, that all accounts and papers regarding the decennial settlement, the allotment of the revenue on the shares of estates that may be divided, as well as all other documents in any respect relating to the public demand upon the lands, should be carefully preserved. For this purpose, and to facilitate reference to the revenue records, the following rules have been enacted.

Office for keeping revenue records in the native languages established in each *zillah*.

II. An office shall be established in each *zillah* for keeping all records and papers in the native languages, which in any respect relate to the public revenue.

Office to be superintended by two natives, who are to hold their appointments during their good behaviour.

Office declared not hereditary.

III. The office shall be superintended by two natives, who shall form a part of the establishment of the collector, and shall be styled, "keepers of the revenue records in the native languages." They shall be appointed by the Governor General in Council, and shall not be removable but for misconduct proved to his satisfaction. The office, however, is expressly declared not to be hereditary.

Register to be kept of the accounts and papers,

in a book to be paged, and to be attested by the judge of the *zillah*.

Existing accounts and records to be first entered.

IV. The keepers of the records are to keep a register in the Bengal and Persian languages in Bengal and Orissa, and in the Persian language in Behar, of all accounts, papers, and documents, in any respect relating to the public revenue, in a book or books, which shall be paged, and each leaf of which shall be attested by the judge of the *dewanny adawlut* of the *zillah*, and who shall insert in his own handwriting, on the last leaf of each book he may so attest, the number of pages contained in it. The accounts and papers now deposited in the several *zillahs* are to be first entered in the register, and the keepers of the records are to prepare a list of them for that purpose immediately upon the receipt of this regulation

Keepers of the records to endorse and attest upon the back of every paper, the number of the page in which it may be registered.

V. The keepers of the records, or one of them, shall endorse on the back of every paper which may be registered, the number of the page in which it may be registered, and attest the endorsement with his or their official signature.

Keepers of the records to be careful they are not destroyed by insects, damp, or otherwise.

VI. The keepers of the records are to be careful that the accounts and other records are not destroyed by insects, damp, or otherwise, and that they are not removed from the office of the collector, without his express orders.

To be liable to dismission if papers are destroyed, or they cannot give a satisfactory account of them.

VII. If any papers or records entered in the register, shall be destroyed in consequence of the neglect, or any omission of the keepers of the records, or if any such records or papers shall not be forthcoming, and they shall not be able to give a satisfactory account of them, they shall be liable to dismission from their office.

Keepers of the records to attend to all rules regarding their office prescribed by any regulation printed and published in the manner directed in Regulation XLI. 1793

VIII The keepers of the records are enjoined to attend to all rules or orders respecting the duties of their office, which may be prescribed to them by any regulation printed and published in the manner specified in Regulation XLI 1793, and also to any directions respecting the better keeping, preserving, or registering the accounts and other records of the *zillah*, which may be issued to them by the collector, under whose superintendence they are to perform the duties of their office

A. D. 1793. REGULATION XXII.

A REGULATION *for re-enacting, with Alterations and Amendments, the Regulations passed by the Governor General in Council on the 7th December 1792, for the Establishment of an efficient Police throughout the Country.*—PASSED *by the Governor General in Council, on the 1st May 1793; corresponding with the 21st Bysaak 1200 Bengal era; the 6th Bysaak 1200 Fussily; the 21st Bysaak 1200 Willaity; the 6th Bysaak 1850 Sumbut; and the 19th Ramzaan 1207 Higeree.*

Preamble.

THE establishment of an efficient police throughout the country, whereby offenders may be deprived of all hope of eluding the pursuit of the officers of justice, being as essential towards deterring people from committing crimes, as the speedy and impartial trial of offenders when apprehended; and the clause in the engagements of the landholders and farmers of land by which they were bound to keep the peace, and in the event of any robbery being committed in their respective estates or farms, to produce both the robbers and the property plundered, having not only been found nugatory, but in numerous instances proved the means of multiplying robberies and other disorders, from the collusion which subsisted between the perpetrators of them and the police officers entertained by the landholders and farmers of land in virtue of the clause above mentioned: the Governor General in Council, with a view to afford that protection to the persons and property of the people which is so necessary to their happiness and to the public welfare, was pleased to pass certain regulations on the 7th December 1792. Those regulations are now re-enacted, with alterations and amendments.

Police to be under the exclusive charge of officers appointed by Government. Landholders and farmers not to keep up police establishments.

II. The police of the country is in future to be considered under the exclusive charge of the officers who may be appointed to the superintendence of it on the part of Government. The landholders and farmers of land who were bound to keep up establishments of *thanadars* and police officers for the preservation of the peace, are accordingly required to discharge them, and all landholders and farmers of land are prohibited entertaining such establishments in future.

Landholders and farmers not to be held responsible for robberies, except in the cases herein specified.

III. Landholders and farmers of land are not in future to be considered responsible for robberies committed in their respective estates, or farms, unless it shall be proved that they connived at the robbery; received any part of the property stolen, or plundered; harboured the offenders; aided, or refused to give effectual assistance to prevent their escape; or omitted to afford every assistance in their power to the officers of Government for their apprehension; in either of which cases they will be subject to be prosecuted personally for the crime or offence before the court of circuit, and if convicted, their lands and effects will be liable to be sold at the discretion of the Governor General in Council, to make good the value of the property stolen or plundered to the owner.

Zillahs to be divided into police jurisdictions. Their extent.

IV. The magistrates are to divide their respective *zillahs*, including the rent-free lands, into police jurisdictions. Each jurisdiction is to be ten *coss* square, except where local circumstances shall render it advisable to form all or any of the jurisdictions of greater or less extent. The guarding of each jurisdiction is to be committed to a *darogah* or superinten-

dent,

To be guarded by a *darogah* and officers, who, except in certain cases, are to be stationed in the centre of the jurisdictions.

In all practicable cases jurisdictions to be so formed as to render the principal towns, &c. central.

Jurisdictions to be numbered, and how to be named.

Names and numbers not to be changed without the sanction of Government.

dent, with an establishment of officers. The *darogahs* with their establishments are to be stationed in the centre of their respective jurisdictions, unless for special reasons it shall be thought expedient in particular instances to fix them in any other situation; and the magistrates are directed to endeavour to form the jurisdictions in such a manner as to bring the principal towns, *bazars*, and *gunges*, in the centre of them, that the police establishments may serve for the protection of these principal places, as well as the circumjacent country.

V. The police jurisdictions are to be numbered, and to be named after the places at which the *darogahs* and their establishments may be stationed. The magistrates are not to change the names or numbers of the jurisdictions, nor to alter the limits of them, without the sanction of the Governor General in Council.

Magistrates to appoint the *darogahs;*

who are not to be removed but for incapacity or misconduct, proved to the satisfaction of Government.

Security required to qualify a person for the office of *darogah*.

VI. The magistrates are to nominate the *darogahs* in the first instance, and to fill up all future vacancies. They will in consequence be held responsible for selecting persons duly qualified for the trust. But no *darogah* is to be removed from his office, except upon proof of incapacity or misconduct to the satisfaction of the Governor General in Council, and no person is to be appointed a *darogah* without giving security for his appearance in the amount of one thousand rupees, himself in five hundred, and two responsible persons in two hundred and fifty each. Whenever the magistrates shall deem any *darogah* disqualified for his station, either from incapacity, misconduct, or other cause, they are empowered to suspend him, and to appoint a person to officiate *pro tempore* in his room, reporting immediately the grounds of his suspension to the Governor General in Council, who will determine whether he shall be removed or continue in his office.

What charges are to be received by the darogahs.

VII. Any person having a charge to prefer against another for murder, robbery, house-breaking, theft, or other crime or any misdemeanor, and who shall not choose to lodge it immediately before the magistrate of the* zillah, *shall be at liberty to prefer it in writing to the* darogah *of the jurisdiction in which the crime or misdemeanor may have been committed; or, if the offender shall have removed himself out of that jurisdiction, to the* darogah *of the jurisdiction in which he may be found. The* darogah *of such jurisdiction shall forthwith cause the party accused to be apprehended. If the charge shall be for murder, robbery, house-breaking, theft, or other heinous crime, the* darogah *shall send the accused to the magistrate under safe custody within twenty-four hours after he shall have apprehended him. If the charge shall be for any crime or misdemeanor upon which the magistrates are authorized to pass sentence, the* darogah *shall take sufficient security from the person accused to appear on a specific day before the magistrate, and then release him. If he shall refuse or be unable to give good security, the* darogah *shall send him under safe custody to the magistrate, within twenty-four hours after he shall have apprehended him. When the party accused shall appear before the magistrate, he shall proceed against him in the same manner as if he had been apprehended under his own warrant.*

Party accused how to be disposed of when apprehended.

Darogahs *not to take any person into custody without a written charge, nor without issuing a writ for his apprehension, except in the cases herein authorized.*

VIII. The darogahs *are authorized to apprehend without a written charge, or issuing a* dustuck *or writ, persons found in the act of committing a breach of the peace, or against whom a general hue and cry shall have been raised, or who shall be detected with stolen goods in their possession, and also the several descriptions of persons specified in Section* 10. *In every other case, the* darogahs *are prohibited apprehending any person without a charge preferred against him in writing, under the seal or signature of the complainant.*

Darogahs *to take security from prosecutors and witnesses to appear before the magistrate at the same time as the party accused.*

IX. The darogahs *are in all cases whatsoever to take security from the prosecutor and his witnesses to appear before the magistrate on a specific day, which shall be the day whereon the party accused may be bound to appear, if security shall have been taken from him for that purpose, or, on the day on which he may be expected to arrive at the magistrate's place of residence, if he is to be forwarded thither under custody.*

Darogahs *to apprehend and send to the magistrates notorious robbers,* dacoits, *vagrants, and suspected persons.*

X†. The darogah, *upon receiving information of any notorious* dacoits, *or robbers, harbouring within his jurisdiction, shall apprehend them, and forward them under safe custody to the magistrate. He shall likewise apprehend and send to the magistrate all*

* Clauses 7, 8, and 9. rescinded by clause first, Section 2, Regulation XX. 1817.

† The part of this section in Italic is rescinded by clause second, Section 2, Regulation XXII. 1817.

geedur-mars, malachees, syr bejuas, *or other descriptions of vagrants or suspected persons who may be lurking about his jurisdiction without any ostensible means of subsistence, or who cannot give a satisfactory account of themselves.* The magistrate shall examine on oath such vagrants or suspected persons, and also any persons who may have a knowledge of their usual place of residence, occupation, or mode of obtaining their livelihood; and if there shall appear to him grounds for supposing that they are disorderly or ill-disposed people, he shall employ them in repairing the public roads, or upon any other public work, until they find a security for their good behaviour in case of their being discharged, or until some creditable persons shall agree to entertain them in their service, or the magistrate shall be satisfied from their deportment whilst in his custody, or other circumstances, that they will of themselves take to some service or employment so as to obtain an honest livelihood, in either of which cases, the magistrate shall discharge them. If any person so apprehended shall make his escape from the custody of the magistrate before he is regularly discharged, and shall be re-apprehended, he shall be imprisoned and kept to hard labour for six months.

Magistrate how to proceed with vagrants and suspected persons.

Punishment for vagrants or suspected persons escaping from the custody of the magistrate.

XI. It is to be understood, that the duty of the* darogah *with regard to persons charged with crimes or misdemeanors, is to be confined to apprehending and sending them under safe custody to the magistrate, or taking security for their appearance before him. He is not to discharge the parties accused after they are once apprehended, (except in the cases mentioned in Section* 7, *in which he is expressly authorized to release them upon security, or upon the parties delivering in a* razeenamah *in the case specified in Section* 12,) *nor to enquire into or pass sentence upon any complaint, or impose any fine, or make any exaction, or inflict any punishment on the prosecutors, or the accused, or their respective witnesses, or on any persons whomsoever.*

Further definition of the duty of the darogahs *with regard to persons charged with crimes or misdemeanors.*

XII. In complaints for petty assaults, and in the other cases described in Section 8, *Regulation IX.* 1793, *on which the magistrates are empowered to pass sentence, the* darogahs *are permitted to discharge the defendant, provided the complainant shall deliver a* razeenamah *or writing, desiring to withdraw his complaint, and the defendant shall also give a* razeenamah *or writing, agreeing to the complaint being withdrawn. These* razeenamahs *are to be attested by two creditable witnesses, and are to be transmitted to the magistrate by the* darogah *with his monthly report. If the parties shall not deliver in such* razeenamahs, *the case is to be brought before the magistrate. To prevent any misconstruction of the authority vested in the* darogahs *by this section, it is expressly declared not to extend to the cases of petty thefts on which the magistrates are empowered to decide by Section* 9, *Regulation IX.* 1793.

Darogahs authorized to release the defendant in certain cases upon which the magistrate is empowered to decide, provided both parties agree in writing to withdraw the prosecution.

This authority not to extend to petty thefts.

XIII. All pykes, chokeydars, pausbauns, dusauds, nigabans, harees, *and other descriptions of village watchmen, are declared subject to the orders of the* darogah. *He shall keep a register of their names, and upon the death or removal of any of them, the landholders or others to whom the filling up of the vacancies shall belong, shall send the names of the persons whom they may appoint to the* darogah *of the jurisdiction, that they may be registered by him as above directed.*

Village watchmen to be subject to the authority of the darogah, *and their names to be registered by him.*

XIV. The pykes, pausbauns, *and other village watchmen mentioned in Section* 13, *shall apprehend and send to the* darogah *any persons who may be taken in the act of committing murder, robbery, house-breaking, or theft, or against whom a hue and cry shall have been raised. It shall be their special duty also to convey to the* darogah *of the jurisdiction immediate intelligence of any robbers who may have concealed themselves in their respective villages or the country adjacent, and also of any vagrants or other persons who may be lurking about the country, without any ostensible means of subsistence, or who cannot give a satisfactory account of themselves.* Pykes, pausbauns, *or other village watchmen, who shall not act in conformity to this section, shall be dismissed from their stations by the landholders or other persons by whom they may be employed upon the requisition of the magistrate, and shall be further punished as the law may direct, should it be proved that they assisted in harbouring or concealing any of the abovementioned descriptions of offenders or suspected persons, or connived in any respect at their malpractices.*

Duties to be performed by the village watchmen.

* Sect. 11. to 15. rescinded by clause second, Sect. 2, Regulation XXII. 1817.

Dawk *officers to receive and convey free of postage all letters on the public service delivered to them by the* darogahs.

XV. To enable the magistrate to obtain speedy intelligence of any crimes or misdemeanors that may be committed within the limits of his zillah, *and, in cases in which it may be necessary, for the expeditious circulation of information of any such breaches of the peace to the neighbouring magistrates or* darogahs *of police, orders have been issued to all the* dawk *officers in the Company's provinces to receive and convey free of postage any letters which may be tendered to them by the* darogahs *of police. Such letters are to be superscribed with the name of the* darogah *and the jurisdiction over which he may preside, together with the words "*kar sircar,*" to denote that the letters relate to the public service. Any* darogah *who shall insert in such letters any matter not relating to the public service upon which he is employed, shall be dismissed from his office. In cases where the* darogahs *shall be stationed at a considerable distance from the road by which the* dawk *may travel, the following directions are to be observed as far as may be practicable. The dawk officer shall deliver the letter to the proprietor or head person of the village on the road that may be nearest to the place at which the* darogah *to whom the letter may be addressed shall reside, and take a receipt from him for it, specifying the date of its delivery. The proprietor or head person of the village shall be held responsible for the letter being delivered to the* darogah *to whom it is addressed without delay, unless the distance of his place of residence shall exceed five* coss, *in which case such proprietor or head person of the village who received the letter from the dawk officer shall deliver it to the proprietor or head person of the first village, the distance of which may exceed five* coss *from the* dawk *road, and take a receipt for it. In this manner the letter shall be forwarded by the proprietors or head persons of the villages for the distance of five* coss *each, until the letter reaches the officer to whom it is addressed. In like manner, whenever the* darogahs *so stationed at a distance from the dawk road, shall have occasion to send letters to the* dawk, *the proprietors or head persons of villages shall convey them to the nearest* dawk chokey *in the same mode as they are required to convey to such* darogahs *any letters that may be delivered to them by the* dawk *officers. As the places of residence of the* darogahs *will be fixed, the names of the villages to the proprietors or head persons of which it may fall to convey the letters between the place where the* darogahs *may reside and the nearest* dawk chokey *or station, will be soon known to the* dawk *officers and* darogahs, *who, to prevent disputes arising between the landholders respecting the conveyance of letters as above directed, shall write on the back of all letters the names of the villages by the proprietors or head persons of which they are to be conveyed. The* darogahs *are authorized to dispatch letters by the public* dawk, *not only to the magistrate to whose authority they are immediately subject, and the* darogahs *of his* zillah, *but also to the magistrates and* darogahs *of any of the neighbouring* zillahs *to whom they may have occasion to send notice of any breaches of the peace that may have been committed in their own or any other jurisdiction. And the* darogahs *shall make it a rule, whenever they receive intelligence of any murder or robbery having been committed in their own or any other jurisdiction, to dispatch immediate information of it to all the neighbouring* darogahs, *and also to the magistrates of the adjacent* zillahs, *unles they shall have apprehended the offenders. All proprietors and farmers of land,* gomastahs, *and other head persons of villages, are required to pay strict obedience to these orders for conveying the letters of the* darogahs, *and the magistrates are directed to fix up copies of them in the head* cutcherree *of every* pergunnah *throughout their respective* zillahs.

Manner in which letters are to be conveyed to and from the darogahs *who may be stationed at a distance from the* dawk *road.*

A concurrent jurisdiction vested in the magistrates and the police officers of the several *zillahs*, in particular cases and under certain restrictions.

XVI. A concurrent jurisdiction is vested in the magistrates of the several *zillahs*, and the cities of Patna, Dacca, and Moorshedabad, and their police officers, in the cases and under the restrictions following, viz. the *darogahs* and police officers subject to the authority of the magistrate of the *zillah* are empowered, either under his warrant or without such warrant, to pursue persons charged with crimes or misdemeanors into the jurisdiction of other *darogahs*, whether subject to the same magistrate as themselves, or to the magistrate of any other *zillah*, or either of the cities. The magistrates, *darogahs*, police officers, landholders, farmers, *gomastahs* of villages, cultivators of land, and all other persons having authority or residing in the jurisdiction into which the offenders may be pursued, are required to afford every assistance in their power to the pursuing officers for the apprehension of the offenders. It is to be understood, however, that this concurrent authority vested in the magistrates and

their police officers is to extend only to cases in which the crime or misdemeanor shall have been committed within their respective jurisdictions, or (in the event of the crime having been committed in any other jurisdiction) where the offender was actually within their jurisdiction when the charge against him was preferred to them. And it shall not be lawful for the magistrate or *darogah* of one *zillah* or jurisdiction to issue a warrant for the apprehension of any offender being or residing in another *zillah* or jurisdiction at the time of the complaint being preferred to them, for any crime or misdemeanor not committed within the limits of their respective jurisdictions. In such case the complainant must apply in the first instance to the magistrate of the *zillah*, or to the *darogah* of the jurisdiction in which the crime or misdemeanor shall have been committed, or in which the offender may reside or be found.

Police officers apprehending offenders out of their own jurisdictions to deliver a list of the names of the offenders, and a statement of their crimes, to the darogah *in whose jurisdiction they may be apprehended.*

XVII. Whenever the police officers employed under one magistrate, shall apprehend offenders in the jurisdiction of another magistrate, in virtue of the powers vested in them in the preceding section, they shall immediately deliver to the* darogah *of the police jurisdiction in which the offenders may be apprehended, a list of their names and a statement of the crimes or misdemeanors with which they may be charged; and the said* darogah *shall immediately forward such list and statement to the magistrate to whose authority he may be subject.*

Darogahs to receive a reward of ten rupees for every dacoit *apprehended by them and convicted, and ten per cent. on the value of property recovered from robbers upon conviction of the offenders.*

XVIII. The darogahs *shall receive from Government a reward of ten rupees for every* dacoit *who may be apprehended by them in the first instance, to be paid upon the conviction of the offender. They shall likewise be entitled to a commission of ten per cent. on the value of all property, stolen or plundered, which they may recover, provided that the thieves or robbers be apprehended and convicted. The commission is to be paid by the owner of the property, which is to be fairly valued by the magistrate, or by any creditable and competent person whom he may appoint for that purpose. The magistrate is to cause the commission in the case above directed to be paid by the owner, or his agent, to the* darogah *to whom it may be due. If the owner shall omit or refuse to pay the commission, the magistrate shall dispose of such portion of the property at public sale as may be sufficient to make good the amount, and deliver the residue to the owner.*

Darogahs or some of their officers to attend wherever markets are held, to keep the peace.

XIX. The darogahs *are to proceed in person, or to depute one or more of their officers, as circumstances may require, to the several towns,* gunges, bazars, *and* hauts *on market days, to prevent any disputes or disturbances arising between the venders and purchasers, or other persons resorting to the markets.*

Duties of the darogahs with regard to the boats prohibited to be built, used, or transferred without a written authority from the magistrate.

XX. The *darogahs* are to seize all boats built, used, or transferred, in opposition to the rules contained in this section, and to apprehend and send to the magistrate the artificers employed in repairing or building such boats, and to report to him the name of the proprietor of the village in which they may have been built or repaired, that the penalties hereafter specified may be enforced against him.

Description of the prohibited boats.

First. All persons are prohibited building or making use of boats of the following denominations and dimensions, or of boats of any other denominations, being of the same dimensions, without previously obtaining from the magistrate the written authority hereafter directed.

	covids length.	covids breadth.
Luckhas,	40 to 90	2½ to 4
Jelkas,	30 to 70	3½ to 5

Paunsways of Chandpore carrying more than thirty oars.

Cases in which the magistrates are to seize and confiscate prohibited boats.

Second. The magistrates are directed to seize and confiscate all boats of the foregoing descriptions, which may be built, used, or transferred within the limits of their respective jurisdictions without written authority from them for that purpose.

Proprietors of land allowing prohibited boats to be built or repaired in their estates, without due autho-

Third. Any *zemindar* or other landholder allowing any boat of either of the descriptions above specified, to be built or repaired within the limits of his *zemindaree*, unless a writing shall be produced to him under the seal and signature of the magistrate of the *zillah*, autho-

* Sect. 17, 18, and 19. rescinded by clause first, Section 2, Regulation XX. 1817.

rizing

rity, to forfeit the village in which they may be built or repaired.

Punishment for artificers building or repairing boats, the building or using of which may not have been authorized by the magistrate

rizing the building or using of such boats, shall forfeit to Government the village in which such boat shall be proved to have been so built or repaired.

Fourth. All carpenters, blacksmiths, or other artificers, are prohibited engaging for or being employed in the building or repairing of boats of the descriptions above mentioned, (unless the person offering to employ them shall produce a writing under the seal and signature of the magistrate, authorizing the building or using of such boat,) under pain of being committed to close imprisonment for any period not longer than one month, or suffering corporal punishment not exceeding twenty strokes with a rattan. The magistrates are empowered to cause artificers who may be proved to have offended against the prohibition contained in this clause to be punished in the manner and under the limitations directed, according to the circumstances of the case.

Magistrates empowered to grant written licenses for building, using, or transferring prohibited boats under certain restrictions.

Fifth. The magistrates are empowered to authorize any person to build or use boats, of the dimensions or descriptions above prohibited, for the purposes of trade, or of conveying themselves from place to place by water, or for recreation, but such authority is to be given in writing under his official seal and signature, and is constantly to remain with the person to whom the building of the boat may be committed whilst the boat is building, or on board of the boat in charge of some person after it is built: otherwise the boat shall be liable to seizure and confiscation, notwithstanding such writing, in the same manner as if the boat had been built and used without such authority. The magistrates are to be careful not to grant licenses to build or use boats of the above denominations or dimensions, excepting to persons whom they may be satisfied will not allow them to be employed for any improper purposes. All persons desirous of building or using boats of the prohibited dimensions and descriptions, or to sell or transfer them, are to apply to the magistrate of the *zillah* for a written authority for that purpose. The magistrates shall cause this section to be subjoined to all the written authorities which they may grant for the building or using the boats in question, and the sanction for the sale or transfer of such boats shall be endorsed on the original authority for building or using them.

Darogahs *to send monthly reports to the magistrates. What the reports are to contain.*

When and how to be transmitted.

XXI. The* darogah *of each jurisdiction shall send to the magistrate a monthly report in writing, which shall contain the names of all persons whom he may have apprehended, the crime or misdemeanor with which they may have been charged, the date of their apprehension, and the date on which they were dispatched to the magistrate, or released either upon bail, or in consequence of the parties having agreed to withdraw the complaint in the cases specified in the Sections* 7 *and* 12, *together with a circumstantial detail of all other acts done by him in his official capacity. The report is to be dispatched on the fifth of every month for the month preceding by the public* dawks, *or, if it cannot be sent by this mode of conveyance, by such other as the magistrate may direct. If it shall be proved to the satisfaction of the magistrate, that any* darogah *has apprehended any person, or issued orders, or done any official act which shall not be inserted and truly stated in his report, he shall suspend him from his office, and report the circumstances to the Governor General in Council, who, if there shall appear to him sufficient cause for so doing, shall order such* darogah *to be dismissed.*

Darogahs liable to prosecution in the civil and criminal courts for all official acts not warranted by this regulation.

XXII. If the *darogah* of a jurisdiction, or any officer under his authority, shall be guilty of corruption, extortion, or oppression, or commit any act repugnant to this regulation, the party injured is hereby permitted to prosecute him either criminally before the court of circuit, or for damages in the *dewanny adawlut.* The judges of the abovementioned courts are required to take cognizance of all such prosecutions or suits as may be brought before them under this regulation, and to pass such sentence or decree as may appear to them equitable, upon a consideration of the circumstances of the case.

Magistrates to furnish the *darogahs* with *sunnuds* of office, and translates of this regulation.

XXIII. The magistrates of the *zillahs* in Bengal and Orissa are to furnish the *darogahs* of the several jurisdictions with *sunnuds* of office, and translates of this regulation in the Persian and Bengal languages. The magistrates of the *zillahs* in Behar are to deliver to the *darogahs*, *sunnuds* and translates of this regulation in the Persian language, and in the Hindoostanee language and Nagree character. These *sunnuds* and translates are to be attested with the official seal and signature of the magistrate.

* Rescinded by clause first, Section 2, Regulation XX. 1817.

XXIV. The rules contained in the following sections are prescribed for the establishment of an efficient police in the cities of Patna, Dacca, and Moorshedabad.

Rules regarding the police of the cities of Patna, Dacca, and Moorshedabad.

XXV. The magistrates of the cities of Patna, Dacca, and Moorshedabad, and their police officers, are vested with a concurrent authority in their respective jurisdictions, and with the magistrates of the several *zillahs* under the rules and restrictions prescribed in Sections 16 and 17, respecting the concurrent jurisdiction vested in the magistrate and the police officers of each *zillah*, and the magistrates and police officers of other *zillahs*, and of the cities of Patna, Dacca, and Moorshedabad.

Cases in which the magistrates of the three cities and their police officers are vested with a concurrent authority in their respective jurisdictions, and in the jurisdictions of the magistrates of the several *zillahs*.

XXVI. The magistrates of the cities of Patna, Dacca, and Moorshedabad, shall divide the cities and the places adjacent which are subject to their respective jurisdictions into wards. Each ward shall be guarded by a *darogah* with a proper establishment. * *The* darogahs *shall be subject to the immediate authority of the* cutwal *of the city.*

Magistrates of the three cities to divide the cities into wards.

Each ward to be guarded by a *darogah* and establishment, subject to the *cutwal* of the city.

XXVII. The wards shall be numbered and named, and the magistrates shall not change the names or numbers of the wards, or alter their limits, without the sanction of the Governor General in Council.

Wards to be numbered and named. Names and numbers of the wards not to be changed without the sanction of Government.

XXVIII. The rules prescribed in Section 6, respecting the *darogahs* of the jurisdictions in the *zillahs*, are to be held applicable to the *cutwals* and the *darogahs* of the wards in the cities of Patna, Dacca, and Moorshedabad, * *Provided that no person shall be appointed* cutwal *of either of the cities of Patna, Dacca, and Moorshedabad, unless he shall give security for his appearance in the amount of five thousand rupees, himself in two thousand five hundred, and two responsible persons in one thousand two hundred and fifty each.*

Rules in Section 6, to be applied to the *cutwals* and *darogahs* of the three cities, with an additional provision regarding the security necessary to qualify a person for the office of *cutwal*.

XXIX. The *jemadars* of the establishments of the several wards, with one-half of the establishments, shall patrol their respective wards without intermission from sunset until twelve o'clock at night. The *darogahs* with the other half of their establishments shall patrol their respective wards without intermission from twelve o'clock at night until day-light. The patrols are to move about as silently and with as little noise as possible, that thieves and other disorderly persons may never be apprized of their approach. The patrols of the several wards are to be furnished with a *singharah* or horn, which they are to sound when they meet with robbers or other persons guilty of a breach of the peace, and have occasion to give the alarm to the other patrols or to the inhabitants of the ward that they may co-operate to the apprehension of the offenders, but not otherwise. * *The* cutwal *is to be careful that the* darogahs *and their officers perform the essential duties prescribed in this section regularly and properly, and to report to the magistrate every instance in which they may be guilty of negligence, or misconduct in the discharge of them.*

Rules for patrolling the city at night.

Cutwals *to be careful that they are observed.*

XXX. To assist the *darogahs* in obtaining the earliest intelligence of any robbers or other offenders that may be concealed or have taken up their residence within their respective wards, a *mohulladar* and *mohulladarin* shall be appointed to each ward, subject however to the orders of the *darogahs*, to whom they shall convey immediate information of any offenders that may be found in their respective wards.

Mohulladar and *Mohulladarin* to be appointed to each ward.

Their duties.

XXXI. It shall be the duty of the *cutwals* and of the *darogahs* of the wards to apprehend all murderers, robbers, house-breakers, thieves, and persons charged with, or suspected of crimes or misdemeanors, and all vagrants who may be lurking about their respective wards without any ostensible means of subsistence, or who cannot give a satisfactory account of themselves; * *all such persons who may be apprehended by the* darogahs *between sunrise and sunset shall be conveyed to the* cutwal's *office immediately upon their apprehension. If any such persons shall be apprehended between sunset and sunrise, they shall be conveyed to the* cutwal's *office early in the morning after the night on which they may have been apprehended. The* cutwal *shall every morning by eleven o'clock take before the magistrate all persons who may have been apprehended by him or the* darogahs *during the preceding night or day.* The *cutwals* and *darogahs* are prohibited detaining any persons whom they may have apprehended in custody beyond the time above prescribed.

What descriptions of persons the *cutwals* and *darogahs* are to apprehend, and how they are to proceed with them when apprehended.

* The sentences printed in Italic type, are rescinded by Regulation XIII. 1814.

Cutwals and *darogahs* not to discharge persons once apprehended, except in the cases and under the restrictions herein specified.

XXXII. The *cutwals* and *darogahs* of the wards shall not discharge any persons whom they may have once apprehended without receiving orders from the magistrate for their release, * *excepting persons who have been apprehended for petty assaults or other matters, theft excepted, upon which the magistrates are empowered to pass sentence, in which cases the* cutwals *and* darogahs *are permitted to discharge the defendants, provided that previous to the time prescribed for carrying them before the magistrate, the complainants shall voluntarily deliver a* razeenamah *or writing desiring to withdraw the complaint, and the defendants shall of their own accord execute a similar writing agreeing to the complaint being withdrawn. These* razeenamahs *shall be attested by two creditable witnesses, and shall be transmitted on the morning following the night or day on which they may have been executed by the* darogahs *to the* cutwal, *who shall submit them on the morning on which he may have received them, together with any such writings relating to similar cases that may have been entered into before him in the preceding night or day, to the inspection of the magistrates.*

Magistrates of the cities to proceed with vagrants and suspected persons in the same manner as the magistrates of the *zillahs*.

XXXIII. The magistrates are to proceed with vagrants or suspected persons who may be brought before them, in the same manner as the magistrates of the *zillahs* are directed to deal with them in Section 10.

Further definition of the duties of the *cutwals* and *darogahs* with regard to persons apprehended.

XXXIV. The duty of the *darogahs* of the wards and *cutwals* with regard to persons charged with crimes or misdemeanors, is confined to apprehending them, and causing them to be carried before the magistrate as above prescribed. The *cutwals* and *darogahs* are not to enquire into or pass sentence upon any complaint, or impose any fine, or make any exaction, or inflict any punishment on the complainants, or on the accused, or on any other persons whomsoever.

Rules respecting letters in Section 15, and boats in Section 20, to extend to the three cities.

XXXV. The rules respecting boats contained in Section 20, are to extend to the cities of Patna, Dacca, and Moorshedabad, and the magistrates and their police officers are to conform thereto. The police officers are likewise vested with the same powers for conveying letters as are given to the *darogahs* of the *zillahs* in Section 15.

Cutwals and *darogahs* to be allowed the same rewards and commission as the *darogahs* of the *zillahs* in Section 18.

XXXVI. The *cutwals* and the *darogahs* of the wards of the three cities shall receive the same reward for the apprehension of *dacoits*, and for the recovery of property, stolen or plundered, as is granted to the *darogahs* of the *zillahs* by Section 18.

Darogahs of the wards to perform the same duties as are prescribed to the *darogahs* of the *zillahs* by Section 19.

XXXVII. The *darogahs* of the wards in the three cities shall perform the same duties as are prescribed to the *darogahs* of the *zillahs* in Section 19.

Police officers of the cities liable to prosecution for illegal acts, in the same manner as the *darogahs* of the *zillahs* by Section 22.

XXXVIII. The *cutwals* and the *darogahs* of the wards in the cities of Patna, Dacca, and Moorshedabad, and the officers under their authority, shall be liable to prosecution in the civil or criminal courts for acts of oppression, corruption, or extortion, or any acts not warranted by this regulation, in the same manner as the *darogahs* of the *zillahs* and their officers, as prescribed in Section 22.

Magistrates of the cities to furnish the *cutwals* and *darogahs* with *sunnuds* of office and translates of this regulation.

XXXIX. The magistrates of the cities of Dacca and Moorshedabad, are to furnish the *cutwals* and *darogahs* of the wards in their respective jurisdictions, with *sunnuds* of office and translates of this regulation, in the Persian and Bengal languages. The magistrate of Patna is to furnish the *cutwal* and the *darogahs* of the wards in his jurisdiction, with *sunnuds* of office and translates of this regulation, in the Persian language and in the Hindoostanee language and Nagree character. The *sunnuds* and translates above mentioned are to be attested with the official seal and signature of the magistrates.

* Rescinded by Section 2, Regulation VII. 1811.

A. D. 1793. REGULATION XXIII*.

A REGULATION *for raising an annual Fund for defraying the Expence of the Police Establishments entertained under Regulation XXII.* 1793.—PASSED *by the Governor General in Council on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

UPON *the introduction of a general system of police on the* 7*th December* 1792, *the Governor General in Council determined, that the expence of the establishments should be defrayed by the merchants, traders, and shop-keepers residing in the several cities, towns,* bazars, *and* gunges. *He considered it equitable that this expence should be charged upon the commercial part of the community;* first, *because they are particularly interested in the establishment of an efficient police, from having at all times a large property moving about the country, and consequently being liable to suffer more than any other descriptions of individuals from the depredations of robbers;* secondly, *because they carried on the whole internal trade of the country free of duty, in consequence of the late abolition of the inland customs, and although one of the most opulent classes of the people, paid no immediate tax to the state. The Governor General in Council, however, deeming it proper that the annual expence of the police should be assessed as equally as possible upon the whole of the commercial body; and it being necessary for the attainment of this object that all native merchants, traders, and shop-keepers, whether residing or having houses of trade,* golahs, *or shops, in cities, towns, villages,* bazars, gunges, *or elsewhere, should contribute in due proportions towards the defraying of it; and Government being also desirous that the assessment and collection of the taxes which it may be found necessary to impose for the support of this important arrangement should be attended with as little inconvenience as possible to the contributors; the following rules have been enacted*

Existing police taxes to be discontinued from the end of the Bengal, Fussily, and Willaity years 1200.

II. The taxes which have been imposed under the orders of the Governor General in Council of the 7*th December* 1792, *for defraying the expence of the police establishments, shall continue payable in Bengal, until the end of the current Bengal year; in Behar, until the close of the present Fussily year; and in Orissa, until the expiration of the current Willaity year; from which periods they are to be discontinued in those provinces respectively.*

Police tax to be assessed and collected by the collectors of the land revenue.

III. The assessment and collection of the police tax in each zillah *shall henceforth be made by the collector of the land revenue of the* zillah. *The assessment and collection of the tax in the cities of Patna, Dacca, and Moorshedabad, shall be committed to the collectors of the* zillahs *in which those cities are respectively situated, viz. Behar proper, Dacca Jelalpore, and Moorshedabad.*

Receipts and disbursements for the police to be

IV. The sums which the collectors may realize from the taxes that they are empowered to assess and collect under this regulation, or from the fines which they are authorized

* Rescinded by Section 2, Regulation VI. 1797.

inserted in the collector's accounts under the head of "police."

to impose under Section 16; *and all deductions or allowances, either in money or arising from the produce of lands, formerly made to the proprietors of land for defraying the charges of the police, and which have been or may be resumed under clause fourth, Section* 8, *Regulation* I. 1793; *and all disbursements which they may be authorized to make on account of the police establishments that now are or may be entertained under Regulation* XXII. 1793, *shall be inserted in their monthly treasury accounts under the separate head of "police," that Government may at any time be able to compare the receipts with the expenditures.*

Sums raised to be applied solely to the police.

V. All sums which may be realized from the taxes that may be imposed and collected under this regulation, shall be applied to defray the charges of the police of the zillah *or city in which they may be raised, and to no other purpose whatsoever.*

Collectors to issue to the magistrates, the amount of the approved establishments on the first of every month.

VI. The collectors of the revenue in the several zillahs *shall issue to the magistrates of their respective* zillahs, *and the collectors of the revenue in the* zillahs *of Behar proper, Dacca Jelalpore, and Moorshedabad, shall advance to the magistrates of the cities of Patna, Dacca, and Moorshedabad, the amount of the expence of the police establishments of their respective* zillahs *and cities, on the first of each English month, for the preceding month, after they have been advertised that such establishments have been approved by the Governor General in Council. The collectors shall issue the amount of these approved establishments from their treasuries, although their receipts from the taxes should not be equal to the authorized disbursements on account of the police.*

A new assessment of the police tax to be made annu-

VII. At the commencement of the ensuing and of every subsequent Bengal, Fussily, and Willaity year, a new assessment shall be made of the tax for defraying the expence of the police of the zillahs *comprized in the provinces of Bengal, Behar, and Orissa, respectively. In the cities of Dacca and Moorshedabad, a new assessment of the tax for providing for the charge of the police of those cities shall be made at the beginning of the ensuing, and every subsequent Bengal year; and in the city of Patna, at the commencement of the next, and every following Fussily year. These annual taxes in the several* zillahs *and cities are to be assessed and collected according to the rules hereafter prescribed.*

By whom the police tax is to be paid.

VIII. The annual expence of the police establishments in the several zillahs, *and in the cities of Patna, Dacca, and Moorshedabad, shall be defrayed by the native merchants, traders, and shop-keepers who either reside or have houses of trade,* golahs, *or shops in any town, or village, or in any* gunge, bazar, *or* haut, *or elsewhere in such* zillahs *or cities.*

Collectors to prepare a statement of the amount of all the sayer *collections formerly made in each* pergunnah *in their respective* zillahs.

IX. The collectors shall prepare without delay a statement of the sayer *collections of every description, including the* chundenah, *formerly made in the towns,* gunges, bazars, *villages, or* hauts, *(whether held in open or other places,) or elsewhere, both in the lands paying revenue to Government, and in the lands held exempt from the payment of revenue, in each* pergunnah *in their respective* zillahs, *excepting only the collections arising from orchards, pasture ground, and fisheries, denominated* phulkur, bunkur, *and* julkur, *and (in the* zillahs *of Behar proper and Beerbhoom) the collections made from the pilgrims resorting to Gya and Deogur. The accounts on which the deductions and compensations were granted to the proprietors of land upon the abolition of the* sayer, *shall be taken as the standard of the former annual* sayer *collections in the lands paying revenue to Government. The accounts upon which the compensations have been made to the proprietors of lands,* gunges, bazars, *and* hauts *held exempt from the payment of public revenue shall be adopted as the standard of the former annual* sayer *collections in such estates and property; and in cases where no such accounts have been received, from the accounts that the collectors may procure from the holders of the said estates and property, who are hereby required to furnish the actual accounts of such collections.*

The sum to be raised in each pergunnah *towards defraying the expences of the police of the* zillah.

X. The sum which may be estimated to be necessary for defraying the expence of the police of each zillah *annually, with an excess of five per cent. to answer contingencies and failures in the collections, shall be raised upon the native merchants, traders, and shop-keepers, either residing, or having houses of trade,* golahs, *or shops in the several* pergunnahs. *The amount to be raised in each* pergunnah *shall be calculated as follows: as the total of the annual* sayer *collections particularized in Section* 9, *made in the* zillah, *is*

to the total of the sum annually required for defraying the expence of the police of the zillah; *so is the amount of the annual* sayer *collections formerly made in each* pergunnah *to the sum to be assessed upon the merchants, traders, and shop-keepers residing or having houses of trade, shops, or* golahs *therein.*

Rule for assessing the police tax upon the cities of Patna, Dacca, and Moorshedabad.

XI. The collectors of the zillahs *of Behar proper, Dacca Jelalpore, and Moorshedabad, shall assess the amount of the estimated annual expence of the police establishments for the cities of Patna, Dacca, and Moorshedabad, with an excess upon such estimate of five per cent. to answer contingencies and failures in the collections, upon the merchants, traders, and shop-keepers residing in each of the wards into which the magistrates of those cities are directed to divide their respective jurisdictions by Section* 26, *Regulation XXII.* 1793, *in proportion to the estimated extent of the dealings of the merchants, traders, and shop-keepers residing in each ward, according to the best information of the same that can be obtained by enquiry from the principal merchants, traders, and shop-keepers in the city; but no collector is to require any merchant, trader, or shop-keeper, to produce his books, or to state the amount of his capital, or the extent of his concerns in trade.*

Collectors to nominate assessors to assess the police tax on the several pergunnahs *and wards.*

Nominations when to take place.

XII. The collectors of the several zillahs, *by the first day of the last month of the year of the era according to which the revenues of their respective* zillahs *are paid, shall appoint a number of the most creditable merchants, traders, and shop-keepers in each* pergunnah, *to assess the amount of the tax to be raised in the* pergunnah *for the following year. At corresponding periods, the collectors of the* zillahs *of Behar proper, Dacca Jelalpore, and Moorshedabad respectively, shall nominate a number of the most creditable merchants, traders, and shop-keepers in the cities of Patna, Dacca, and Moorshedabad, to assess the amount of the tax for the ensuing year on each of the wards comprised in those cities.*

Number of assessors to be appointed in each pergunnah *and ward.*

XIII. The number of merchants, traders, and shop-keepers, to be appointed for the assessment of the tax in each pergunnah *in the several* zillahs, *and in each ward in the cities of Patna, Dacca, and Moorshedabad, shall not exceed six, nor be less than three. They shall be appointed by a commission under the official seal and signature of the collector, which shall be written in the Bengal and Persian languages, in Bengal and Orissa; and in the Persian language, and in the Hindoostanee language and Nagree character, in Behar.*

Form of the commission for the appointment of the assessors.

The commission shall be to the following effect: "I A. B collector of the zillah *of* ———, *in virtue of the powers vested in me by Regulation XXIII.* 1793, *appoint you (names of the assessors) to assess the tax to be raised from the* pergunnah *of* ———, *(or the ward of* ———, *in the city of* ———,*) towards defraying the expence of the police of the* zillah *of* ———, *(or the city of* ———,*) for the Bengal (or Fussily or Willaity) year* ———. *You will accordingly proceed to assess upon the merchants, traders, and shop-keepers, residing or having houses of trade,* golahs, *or shops in the said* pergunnah *(or ward), the sum of sicca rupees* ———, *being the proportion of the police tax to be raised from the* pergunnah *(or ward) of* ———, *for the year above mentioned."*

Oath to be taken by the assessors.

XIV. The persons so appointed, previous to proceeding to the assessment of the tax, shall take and subscribe the following oath before the collector, or the cauzy *of the* pergunnah *or city in which they are appointed assessors; or, in the event of the absence of the* cauzy, *or of there being no such officer stationed in the* pergunnah *or city, such other person as the collector may commission to administer it. "I A. B. appointed to assess the police tax for the year* ———, *in the* pergunnah *(or ward) of* ———, *swear, that I will assess the tax upon the merchants, traders, and shop-keepers, residing or having houses of trade,* golahs, *or shops therein, fairly and impartially, so that each individual shall be assessed in proportion to the extent of his dealings in such* pergunnah *or ward, according to the most accurate estimate that I may be able to form of the same, either from my own knowledge of his concerns, or from the best information which it may be in my power to obtain respecting them by enquiries from others."*

Assessors entitled to be exempted from taking the

XV. If any person who may be included in such commission, shall be of a rank or cast that would entitle him to be exempted from taking an oath in a court of justice, and shall

oath to subscribe a solemn declaration.

shall object to taking the above oath, he shall make and subscribe a solemn declaration to the same effect.

Fine to be imposed upon persons nominated assessors, who may refuse to act, without shewing good cause for their refusal.

XVI. If any person who shall be nominated by the collector to assess the tax in any pergunnah *or ward, shall refuse to allow his name to be inserted in the commission, the collector shall nominate another person, and shall immediately levy from the person so refusing, a fine according to his situation and circumstances, but in no case exceeding one hundred rupees; and to enforce payment of it, should payment be refused upon his delivering to the party a written demand for the amount under his official seal and signature, by the same process by which he is empowered to exact payment of arrears of revenue, unless the said person shall show good cause for his refusal, such as real indisposition, or other unavoidable impediment to his acting in the commission. All fines that may be so imposed by the collectors under the authority vested in them in this section, shall be appropriated towards the payment of the expence of the police of the* zillah *or city in which they may be levied.*

How such fines are to be appropriated.

Statement of the estimated expence of the police of each zillah *or city for each year, and the distribution of it upon each* pergunnah *and ward, to be fixed up in the court-room of the* dewanny adawlut, *and in the office of the collector, by the date prescribed for the nomination of the assessors in Section* 12.

XVII. By the date on which the assessors are required to be appointed, the collectors shall have prepared a statement shewing the estimated expence of the police of the zillah *or city, and the amount of the tax which is to be raised upon each* pergunnah *or ward for the ensuing year. This statement shall be fixed up in the court of* dewanny adawlut *of the* zillah *or city by the said date, and in the office of the collector, and shall be written, in Bengal, in the Bengal and Persian languages; and in Behar, in the Persian language and in the Hindoostanee language and Nagree character, and shall be attested by the official seal and signature of the collector.*

Court of dewanny adawlut *to lower the assessment upon any* pergunnah *or ward which may be over-assessed.*

XVIII. If the merchants, traders, and shop-keepers in any pergunnah *or ward shall be of opinion that the amount assessed upon such* pergunnah *or ward is excessive, in comparison with the sum assessed upon the other* pergunnahs *or wards in the same* zillah *or city, they shall be at liberty to state their objections to such assessment to the* dewanny adawlut *of the* zillah *or city, the judge of which court shall immediately proceed to try such objections, and to confirm or lower the assessment, according as he may deem equitable upon a consideration of the circumstances of the case. If the court shall confirm the assessment on such* pergunnah *or ward, the costs of suit shall be added to the sum to be raised upon it for the expence of the police. If the court shall lower the assessment, the costs of suit shall be defrayed by Government, and the order of the court to the collector to pay the costs shall be his voucher for disbursing the amount and inserting it in his accounts. Provided, however, that if in the last mentioned case it shall appear to the court that the over-assessment of such* pergunnah *or ward proceeded from the collector not having made the necessary enquiries, or taken the proper steps to enable him duly to apportion the assessment, or from his having departed from the rules prescribed in this regulation for the distribution of it, or from his having knowingly over-assessed the* pergunnah *or ward, the court shall decree the costs to be paid by the collector.*

Costs of suit by whom to be paid, in the event of the court lowering or confirming the assessment.

Complaints preferred to the court of the over-assessment of any pergunnah *or ward by whom to be defended.*

Period limited for appealing to the dewanny adawlut *of the* zillah *against the assessment imposed upon any* pergunnah *or ward.*

XIX. All complaints that may be brought before the courts of dewanny adawlut *by the merchants, traders, and shop-keepers of any* pergunnah *or ward under Section* 18, *shall be defended by the* vakeel *of Government on the part of the collector, who shall furnish him with the necessary instructions for that purpose. Provided, however, that no appeal against the amount of the tax assessed upon any* pergunnah *or ward shall be received by the courts of* dewanny adawlut, *unless the same be presented within one month after the assessment of the tax on the several* pergunnahs *or wards in the* zillah *or city shall have been fixed up in the court-room of the* dewanny adawlut, *as prescribed in Section* 17. *If any appeal shall be presented against such assessment after the period limited, it shall be rejected, and the merchants, traders, and shop-keepers, shall contribute the amount so assessed upon the* pergunnah *or ward for that year.*

Assessors when sworn in, or after having subscribed the declaration, to proceed immediately to assess the tax.

XX. When the assessors of the tax imposed upon each pergunnah *or ward have received their commissions and taken the prescribed oath, or, in the cases authorized, subscribed in lieu of it the required declaration, they shall proceed immediately to assess all the merchants, traders, and shop-keepers residing, or having houses of trade,* golahs, *or shops in the* pergunnah *or ward, in proportion to the extent of their respective dealings in*

such pergunnah *or ward, according to the most accurate estimate they may be able to form of the same, either from their own knowledge of their concerns, or from the best information they may be enabled to obtain regarding them from others. The assessors shall not require any person to produce his books, or to give in a statement of his trade or concerns. Provided, however, that if any merchant, trader, or shop-keeper, shall of his own free will and accord exhibit his books or statements of his concerns to the assessors, they shall examine such documents, and, if satisfied of their authenticity, assess such person accordingly.*

Assessors not to require any person to produce his books or to deliver statements of his concerns, but to examine such documents if voluntarily exhibited.

XXI. When the assessors have completed the assessment, they shall attest the record of it with their seals and signatures, and shall fix up in some conspicuous place in the office of the darogah *of the police jurisdiction at the principal town,* gunge, *or* bazar *in the* pergunnah, *or (in the cities of Patna, Dacca, and Moorshedabad) in the office of the police* darogah *of the ward, in the Bengal language in Bengal or Orissa, and in the Hindoostanee language and Nagree character in Behar, the detail of the assessment, containing the names of the contributors, the place of their residence, and the sum which they are to contribute for the year. The amount to be paid for the year by each individual shall be collected in four quarterly payments, and the payment for each quarter shall be made in advance on the first day of the quarter.*

Assessors to sign and seal the record of the asessment, and fix it up in the office of the police darogah *at the principal place in the* pergunnah, *or in the office of the* darogah *of the ward.*

Tax to be paid quarterly and in advance.

XXII. The darogahs *of the police jurisdictions in the* zillahs *in whose office the record mentioned in Section* 21. *may be fixed up, shall record in their monthly reports the day on which it may be so affixed. The* darogahs *of the wards in the cities of Patna, Dacca, and Moorshedabad, on the morning following the day on which such record shall be fixed up in their respective wards, shall report the occurrence to the* cutwal, *who on the same day shall communicate it to the magistrate, that the date on which the record may be so fixed up may be entered in his office. The* darogahs *of the jurisdictions in the* zillahs, *and of the wards, are to insert at the top of the record, the date on which it may be fixed up in their respective offices, on the day on which it may be so affixed.*

Darogahs *in the* zillahs *to enter in their reports the date on which the record of the assessment may be fixed up in their office.*

Darogahs *of the wards to report the fixing up of the record on the following morning to the* cutwal, *who is to inform the magistrate.*

Darogahs *in the* zillahs *and wards to insert at the top of the record the date on which it may be fixed up, on the day on which it may be so affixed.*

XXIII. No person shall pay a greater sum towards defraying the expence of the police than may be specified to be assessed upon him in the record of the assessment signed, attested, and fixed up as prescribed; and no payment whatever shall be made by any person whose name may not be inserted in such record; and no person shall be liable to contribute any sum whatsoever for defraying the expence of the police, until the record containing the detail of the assessment to be paid by the merchants, traders, and shop-keepers of the pergunnah *or ward shall have been attested and fixed up as directed in Section* 21.

No person to pay a greater sum than is specified to be assessed upon him in the record. Persons whose names are not in the record, not liable to pay any thing.

No persons liable to pay any thing, until the record is fixed up as directed in Section 21.

XXIV. If any merchant, trader, or shop-keeper, shall be of opinion that the sum which may be assessed upon him exceeds what he ought to pay, compared with the assessment on other merchants, traders, or shop-keepers, residing or having houses of trade, golahs, *or shops, in the same* pergunnah *or ward, he shall be at liberty to state his objections to the assessment to the court of* dewanny adawlut *of the* zillah *or city, and the judge shall try the complainant's objections, and either confirm or lower the assessment, as may appear to him equitable. If the court shall confirm the assessment, the person so complaining shall pay the costs of the suit; if the assessment shall be lowered, the costs shall be paid by the collector from the police fund, and the order of the court to pay such costs shall be the voucher of the collector for disbursing the amount and inserting it in his accounts; but if in the lastmentioned case it shall appear clearly to the court, that the over-assessment of the complainant proceeded from the assessors not having made the necessary inquiries or taken the proper steps to enable them duly to apportion the assessment, or from their having departed from the rules prescribed in this regulation for the distribution of it, or from their having knowingly over-assessed such person, the court shall decree the damages to be paid by the assessors from their private funds.*

Individuals deeming themselves over-assessed, at liberty to appeal to the court of dewanny adawlut.

Costs by whom to be paid, in the event of the court confirming or lowering the assessment upon the complainant.

XXV. Provided, however, that no complaint shall be received from any merchant, trader, or shop-keeper, under Section 24, *unless it be presented to the court of* dewanny adawlut *of the* zillah *or city within one month after the date on which the record of the assessment may have been fixed up in the* cutcheree *or office of the* darogah *of the jurisdiction or ward. If any such appeal shall be preferred after the limited period, it shall be rejected,*

Period limited for preferring suits under Section 24.

rejected, and the person preferring it shall contribute the amount so assessed upon him for the year.

Suits instituted under Section 24, by whom to be defended.

XXVI. All suits that may be instituted in the courts of dewanny adawlut *under Section 24, shall be defended by the* vakeel *of Government on the part of the collector, who shall furnish him with the requisite instructions for that purpose, previously obtaining from the assessors any information that may be necessary for the defence of the suit.*

When complaints of over-assessment are preferred under Section 18, or 24, the complainants are to pay the assessment against which they appeal until the decision of the court is passed, from which time they are to pay according to the decision.

XXVII. If the merchants, traders, and shop-keepers of any pergunnah *or ward, shall appeal to the court of* dewanny adawlut *under Section 18, against the amount of the assessment imposed upon such* pergunnah *or ward; or if any individual merchant, trader, or shop-keeper, shall appeal under Section 24, against the amount of the tax imposed upon him by the assessors; the merchants, traders, and shop-keepers in the first case, shall contribute the amount assessed upon the* pergunnah *or ward by the collector, and the individual merchant, trader, and shop-keeper, in the second case, shall discharge the amount of the tax imposed upon him by the assessors, until the court to which they may respectively appeal shall pass a decision. In both cases, if the court shall order the assessment to be lowered, the parties complaining shall have refunded to them by the collector, the excess which they may have paid, and for the remainder of the year they shall pay according to the decision of the court.*

Resumed police allowances, and the excess of collections in the preceding year, to be deducted from the estimate of the expence mentioned in Section 10.

XXVIII. The amount of all allowances, either in money or arising from the produce of lands, that may have been made to the proprietors of land for keeping up police officers, and which have been or may be resumed under clause fourth, Section 8, Regulation I. 1793, and also any excess that may have been realized in the preceding year either from the police tax or from fines levied under Section 16, over and above the disbursements of the year, are to be deducted from the estimate (directed to be prepared in Section 10,) of the annual expence of the police of the zillah *or city in which such allowances, excess, or fines may have been resumed, realized, or levied, and the remainder only is to be raised upon such* zillah *or city.*

By whom the police tax is to be collected.

XXIX. If the assessors of the tax shall be willing to undertake the collection of it in their respective pergunnahs *or wards, the collector shall furnish them with a written authority for that purpose under his seal and signature. If they decline the collection of the tax, the collector shall commit the levying of it to the* tehsildar, *or any other competent officer, (provided he be not a police officer,) stationed in the* pergunnah *or ward on the part of Government. If there be no such officers besides the police officers in any* pergunnah *or ward, the collector shall appoint officers with the necessary establishment for the collection of the tax, and the expence of such establishments shall be defrayed from the general police fund of the* zillah *or city. If the disbursements on account of the police of any* zillah, *or either of the three cities, shall exceed the amount of the sums realized and brought to the credit of the fund for that year, the deficiency shall be paid by Government. But the collector of the revenue to whom the collection of the tax in the* zillah *or city in which such deficiency may arise, may be committed, shall be careful to make an adequate addition to the assessment in the following year.*

Deficiency in funds how to be made good.

Assessors to send a copy of the record of assessment, with the date on which it was fixed up in the office of the darogah *of the jurisdiction or ward, to the collector.*

Collector to send a copy to the judge.

XXX. The assessors of the tax in each pergunnah *and ward shall transmit a copy of the record of the assessment, with an endorsement specifying the date on which it was fixed up in the office of the* darogah *of the jurisdiction or ward, attested with their seals and signatures, to the collector of the* zillah, *who shall immediately send a copy to the judge of the court of* adawlut, *in order that both the court and the collector may at all times be able to ascertain the amount payable by each individual in the several* pergunnahs, *and that the court may know when the period for receiving appeals from the assessment is expired.*

Balance of the annual tax due from persons deceased, to be made good by the persons to whom their property may devolve.

XXXI. If any merchant, trader, or shop-keeper shall die, leaving a balance due from him on account of the police tax for the year, the person or persons who may succeed to his property shall make good the amount.

Balance of tax how to be collected from contributors removing from or discontinu-

XXXII. If a merchant, trader, or shop-keeper, shall remove from one purgunnah *or ward to another, or discontinue his dealings in any* purgunnah *or ward, without discharging the amount of the police tax which may have been assessed upon him for the*

the year; the person or persons appointed to collect the tax in the pergunnah *or ward from which such person shall have removed, or in which he shall have so discontinued his dealings, shall send notice of the circumstance to the collector of the* zillah, *who shall cause the arrear to be collected from such person by the collectors of tax in the* pergunnah *or ward in which he may reside.*

ing their dealings in any pergunnah *or ward.*

XXXIII. The persons to whom the collection of the tax in each pergunnah *or ward may be committed shall give a receipt to every merchant, trader, and shop-keeper, or his agent, for the amount of his quarterly contribution at the time it may be paid. No persons shall be bound to pay their quarterly contribution, or any part of it, unless at the time they present the money for payment, a receipt for the amount be immediately given to them.*

Contributors not bound to pay their quarterly contributions, unless receipts be given to them at the time they present the money for payment.

XXXIV. If any merchant, trader, or shop-keeper, shall refuse to pay the amount of the tax assessed upon him for the year by the assessors, and the amount of his contribution shall have been specified in the record of the assessment, and the record shall have been fixed up in the office of the darogha *of the police jurisdiction or the ward as prescribed in Section* 21, *the person or persons to whom the collection of the tax may be committed shall cause his property to be distrained and sold for the liquidation of the arrears under the several rules and restrictions prescribed to landholders and farmers of land for the recovery of arrears of revenue in Regulation XVII.* 1793; *with this difference, however, that in all cases in which the person or persons entrusted with the collection of the tax, upon being convicted in the* dewanny adawlut *of exacting from any individual more than he is bound to pay, shall refund to the party from whom such exaction shall have been made twice the amount of such exaction with all costs of suit, and shall make good the amount of the refund and costs from their own property; and further, that whenever such collector or collectors shall do any act in distraining for arrears of the tax, which if done by any person distraining for arrears of revenue would subject such distrainer to forfeit the arrears, such collector or collectors shall make good to Government the amount of the arrears forfeited by such illegal act, besides paying to the party injured the damages or costs of suit which may have been awarded to him by the court in which the prosecution on account of such act may have been instituted.*

Assessors or collectors of the tax empowered to distrain and sell the property of contributors omitting or refusing to pay the tax under the restrictions and subject to the penalties herein specified.

XXXV. If from the future improvement or decline of any pergunnah *or* pergunnahs, *or other cause, the accounts which the collectors are directed in Section* 9, *to assume as the standard for apportioning on each* pergunnah *the amount to be raised upon their whole* zillah, *shall hereafter give an assessment on any* pergunnah *or* pergunnahs *disproportionate to the extent of the dealings of the merchants, traders, and shop-keepers residing therein, they shall report the circumstances to the Governor General in Council, and suggest any other rule that may appear to them preferable for regulating the annual assessment upon such* pergunnah *or* pergunnahs, *or their* zillah *at large, so that as far as may be practicable and necessary, the sum to be paid by the contributors respectively, may be in proportion to the extent of their commercial concerns.*

If the accounts mentioned in Section 9, *should hereafter give a disproportionate assessment on any* pergunnahs, *the collectors to inform the Governor General in Council, and to suggest some other rule for the assessment of such* pergunnahs *or their* zillahs *at large.*

XXXVI. The collectors are to report all allowances that may have been made to the proprietors of land for keeping up police establishments either by deductions from their jumma, *or by permitting them to appropriate the produce of lands for that purpose, or in any other mode, which may not have been already resumed, with their opinion how far the whole or any portion of such allowances can with equity be resumed, in consequence of the proprietors of land being exonerated from the charge of keeping the peace, as declared in Regulation XXII.* 1793.

Collectors to report all allowances formerly made to the landholders for the police, with their opinion as to the equity of resuming the whole or part of them.

XXXVII. By the expiration of the second month of the ensuing and every future Bengal, Fussily, and Willaity years, the collectors in Bengal, Behar, and Orissa respectively, are to transmit to the Board of Revenue, a statement in the following form, exhibiting the names of the pergunnahs *in their several* zillahs *alphabetically arranged, the amount to be raised on each to defray the charges of the police for the year, and the names, with a description of the persons to whom the collection of it may be committed.*

Annual statement of the police assessment to be transmitted to the Board of Revenue by the collectors of the zillahs.

Form.

Statement of the names of the pergunnahs *in the* zillah *of* ————, *the amount assessed upon each* pergunnah *for defraying the expence of the police for the year* ————, *and the names and descriptions of the collectors of the assessment.*

Names of the pergunnahs.	*Amount of the assessment.*	*Names of the collectors of the assessment.*	*Description of the collectors.*
	Rupees.		
Akberpore,	300	*Azeem Ullah, and Kaumchand.*	*Assessors of the tax on the pergunnah.*
Barbukabad,	500	*Ramsing.*	*The tehsildar.*
Cossimpore,	200	*Mohummud Danish,*	*Appointed for the express purpose of collecting the tax.*

Annual statement of the police assessment in the three cities, to be sent to the Board of Revenue by the collectors of Behar proper, Dacca Jelalpore, and Moorshedabad.

XXXVIII. The collector of the zillah *of Behar proper, at the expiration of the second month of the ensuing and every future Fussily year, and the collectors of the* zillahs *of Dacca Jelalpore and Moorshedabad, at the expiration of the second month of the ensuing and every future Bengal year, shall transmit a similar statement to the Board of Revenue in the following form.*

Form.

Statement of the names of the wards in the city of ————, *the amount assessed upon each ward for defraying the expence of the police for the year* ————, *and the names and descriptions of the collectors of the tax.*

Names of the wards.	*Amount assessed upon each ward.*	*Names of the collectors of the assessment.*	*Description of the collectors.*
	Rupees.		
Ameen Tolah,	500	*Bode Sing, Ramanund,*	*Assessors of the tax on the ward.*
Baker Gunge,	300	*Asmutullah,*	*Appointed for the express purpose of collecting the tax.*

Collectors of the several zillahs *to correspond with Government respecting the police tax until the end of the Bengal, Fussily, and Willaity years* 1200, *and after those periods with the Board of Revenue, under whose control and superintendence they are thenceforth to assess and collect the annual tax for the police.*

XXXIX. The collectors in Bengal, Behar, and Orissa respectively, are to correspond with the Governor General in Council, on all matters relating to the assessment and collection of the police tax for the remainder of the current Bengal, Fussily, and Willaity years. From the commencement of the ensuing year of the era according to which the revenues of the several zillahs *are collected, the collectors are to correspond with the Board of Revenue respecting the assessment and collection of the annual police tax directed to be assessed by this regulation, and to assess and collect the same under their control and superintendence.*

A. D. 1793. REGULATION XXIV.

A REGULATION *for re-enacting, with Modifications, the Rules passed by the Governor General in Council on the* 10*th June* 1791, *for determining the Continuance or Discontinuance of the Pensions heretofore paid by the Proprietors and Farmers of Land, but included in the Jumma or Revenue payable to Government at the decennial Settlement, and also of the Pensions heretofore paid from the Sayer abolished.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

THE following rules are prescribed for determining the continuance or discontinuance of the pensions heretofore paid by the proprietors and farmers of land, but included at the decennial settlement in the *jumma* or revenue of Government, and also the pensions heretofore paid from the *sayer* abolished, and for securing to persons adjudged entitled to pensions under this regulation, the regular payment of their pensions.

What pensions are to be continued.

II. All pensions received by virtue of *sunnuds* granted previous to the Company's accession to the *dewanny*, or since granted with the sanction of Government, shall be continued during the lives of the grantees. In instances in which the amount received may have been less than the amount specified in the *sunnud*, the former only is to be continued as heretofore.

What to be discontinued.

III. No pensions received without a *sunnud*, or under *sunnuds* granted since the Company obtained the *dewanny* without the sanction of Government, shall be continued, unless the persons receiving the pensions be real objects of charity, or unless they received them before the commencement of the Bengal, Fussily, or Willaity year 1179, (in Bengal, Behar, and Orissa respectively,) and have since continued to receive them, in which case, the pensions heretofore received are to be continued during the lives of the present pensioners.

Pensions not to be continued to descendants of original grantees without the sanction of the Governor General in Council.

IV. If the persons to whom the pensions were originally granted be deceased, the allowances are not to be continued to their heirs or descendants without the sanction of the Governor General in Council; and no pension, after the death of the party now entitled thereto, shall be hereafter continued to his descendants without the like sanction, whether the grant be, according to the terms of it, hereditary or otherwise.

Claims to pensions to be preferred to the collector of the *zillah*,

and decided on by him to the amount of fifty sicca rupees per annum; subject to appeal to the Board of Revenue, and the Governor General in Council.

V. All persons deeming themselves entitled to pensions heretofore paid by proprietors or farmers of land, and now included in the *jumma* of Government, or to pensions heretofore received from the *sayer* abolished, are required to prefer their claims to the collector of the *zillah* in which they received the pensions. The collector, under the rules above laid down, and such as may be hereafter prescribed, * *is authorized to decide on the claims preferred to him, to the amount of fifty sicca rupees per annum, but no further, subject to an appeal, within one month from the date of the decision, to the Board of Reve-*

* Superseded by Sect. 3, Regulation XXII. 1806.

nue; and to a further appeal from their decision, within the same period, to the Governor General in Council.

Collectors to keep separate proceedings, and submit a monthly abstract to the Board of Revenue.

VI. The collectors are to keep separate proceedings on the subject of the pensions to which this regulation relates, and submit a monthly abstract of them to the Board of Revenue.

To submit proceedings on pensions exceeding fifty sicca rupees per annum, with opinion, to the Board of Revenue, for the orders of the Governor General in Council.

VII. The collectors are to transmit their proceedings on all claims to pensions exceeding fifty sicca rupees per annum, including their opinion on each case, to the Board of Revenue, who are to submit the proceedings, with their sentiments on the several claims, for the orders of the Governor General in Council.

No pensions to be paid until decreed.

Judgments of collectors for pensions to be reported to the Board of Revenue.

VIII. The collectors are restricted from paying any pensions not already authorized, until they, or the Board of Revenue, shall have decreed a right thereto, agreeably to section 5, or shall have received notice of their being allowed by the Governor General in Council under section 7; and on passing a judgment for any pension, they are immediately to report the same to the Board of Revenue.

To what pensions these rules are not applicable.

IX. These rules are not to be considered to apply to any pensions excepting such as were heretofore paid by the landholders, and are now included in the *jumma* of Government, or which were received from the *sayer* abolished.

Certificates to be delivered to persons to whom pensions may be adjudged.

X. The collectors, on adjudging any pension not exceeding fifty sicca rupees per annum, or, on receiving intimation of the decision of the Board of Revenue, on appeal, for a pension not exceeding this sum, or, on being informed of the Governor General in Council having ordered the continuance of pensions of a larger amount referred to him, shall deliver to the party entitled to the pension adjudged, a certificate stating the amount of the pension, the title of the party thereto during his or her life, the ground of such title, and whether admitted by himself, by the Board of Revenue, or by the Governor General in Council, with the date of such admission.

Also for pensions already authorized.

XI. A similar certificate is also to be given for all such pensions as may have been authorized by the Governor General in Council, and for which certificates may not have been already granted.

Register of certificates to be kept.

XII. The collectors, at the time of granting the certificates ordered in Sections 10 and 11, are to number and register them in an English and Persian register, to be kept for this purpose, and they are to be careful to note therein also such personal identifications of the parties receiving the certificates, as may detect any future attempt to transfer them to others.

Pensions to be paid quarterly.

XIII. The annual amount of the pensions is to be issued in quarterly proportions, viz. on the last day of the third, sixth, ninth, and twelfth months, of the Bengal, Fussily, and Willaity years respectively, for the preceding three months.

Rule for payment of pensions exceeding fifty rupees per annum, by the collectors.

XIV. All persons receiving pensions exceeding fifty sicca rupees per annum, are to attend the collectors in person at the stated periods, to receive the amount of their respective pensions; and the collectors are prohibited from issuing any pensions excepting to the parties personally, unless they shall be disabled from attending by illness, or other sufficient cause, of which satisfactory proofs shall be exhibited. The collectors, on being satisfied of the inability of the parties to attend in person, are permitted to issue the pensions to their authorized *vakeels*, but they are to take due precautions to prevent impositions after the death of the pensioners, and, in the event of any pension not being claimed within six months after it may become payable, they are to ascertain whether the party who received it be deceased, and report accordingly.

Rule for payment of pensions not exceeding fifty rupees per annum, by cauzies.

XV. All pensions not exceeding fifty sicca rupees per annum, are to be paid by the* cauzy *of the* pergunnah *in which the pensioners may reside, the collector supplying him quarterly with the funds necessary for that purpose, and furnishing him with a list of the persons entitled to such pensions. In issuing these pensions, the* cauzies *are to be guided by the same rules and restrictions as are prescribed to the collectors by Section* 14, *respecting the pensions exceeding fifty rupees per annum, which are to be paid to the pensioners immediately from their treasury. The* cauzies *are to take receipts from the pen-*

* This and the following Section are rescinded by Section 5, Regulation XI. 1813.

sioners for their respective allowances, and transmit them to the collector. They are to report to the collector the death of any pensioner the payment of whose allowance may have been entrusted to them, and any cauzy *who shall issue a pension without taking the prescribed precautions to ascertain that the person entitled thereto is in existence, or appropriate to his own use the allowance of any pensioner, or continue to any person not entitled thereto the allowance of a deceased pensioner, with whose demise there shall be satisfactory grounds for believing he was acquainted, shall be liable to be dismissed from his office, upon such misconduct being proved to the satisfaction of the Governor General in Council.*

To whom the payment of pensions not exceeding fifty rupees per annum is to be committed, where no cauzies *are stationed.*

XVI. In districts in which no cauzies *are stationed, the collectors are to commit the payment of the pensions not exceeding fifty rupees per annum, to the* tehsildar, *or other officer of Government who may be stationed in the* pergunnah *or village where such pensioners may reside, or, if there be no such officer, to any trustworthy person in the neighbourhood who may be willing to undertake the trust.*

Courts of judicature not to take cognizance of claims to pensions;

but they may hear complaints against a collector, or any person for withholding the payment of pensions which may have been adjudged.

XVII. The pensions and allowances to which this regulation relates being gratuitous, the determining upon the continuance or discontinuance of them under the rules prescribed is reserved to the collectors, the Board of Revenue, and the Governor General in Council; and claims to such pensions and allowances are declared not cognizable in any court of judicature: but if a collector, or a *cauzy*, or any person entrusted with the payment of pensions under this regulation, shall withhold from any pensioner the pension to which he or she may be entitled, in virtue of a certificate granted under Section 10 or 11, the collector or person withholding the pension, shall be liable to be sued for such act in the *dewanny adawlut* of the *zillah* or city in which the pension may be payable. The court, provided proof be made to its satisfaction, that the complainant conformed to the rules herein prescribed to pensioners respecting the receipt of their pensions, and the person complained against cannot show good and sufficient cause to the satisfaction of the court for having withheld the pension, the court is to order it to be discharged, and compel the collector or other person by whom the pension may have been withheld, to pay to the complainant such sum for costs as may appear to it equitable.

A. D. 1793. REGULATION XXV*.

A REGULATION *for the Division of Estates paying Revenue to Government, and for allowing two or more Proprietors of Shares of an Estate, to hold their Shares as a joint undivided Estate.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

IN *dividing landed property paying revenue to Government into two or more distinct estates, the share or shares comprised in each estate, should be rendered as compact as circumstances may admit, in order to obviate the disputes regarding boundaries, water and other matters, which necessarily result where the lands belonging to different estates circumscribe each other, or are intermixed, and which, by obstructing the cultivation, and consequently depreciating the value of the property, are equally prejudicial to the interests of the proprietors, and to those of the public. Justice to the sharers, and the security of the resources of the state, require likewise that the fixed public revenue should be apportioned on each of the estates into which the property may be divided, agreeably to the rules prescribed in Regulation I.* 1793. *For this purpose, the officers of Government appointed to make the division, must have access to the accounts of the gross collections from the property to be divided. The proprietors can have no well founded objection to the production of these accounts, it being specified in the proclamation contained in Regulation I.* 1793, *by which the decennial settlement was declared permanent, that Government reserved to itself the power of passing such regulations for ascertaining the actual produce of lands ordered to be divided as might be deemed expedient; and the limitation of the demand upon each estate in perpetuity, precluding proprietors from being subjected to the payment of any increase of revenue, whatever may be the excess of their receipts from their estates, above the assessment which they may have engaged to pay annually to Government. It is also necessary for the convenience of the proprietors of two or more estates, that may have originally formed specific and ascertained proportions of the same* zemindaree, talook, *or* chowdrai, *and for preventing the divisions of landed property becoming too numerous and minute, that the proprietors of such estates should be allowed to unite them into one estate. The following rules applicable to the above considerations have been accordingly enacted.*

Division of estates in the cases specified in this regulation to be made by the collector.

II. The division of every zemindaree, *independent* talook, *or other estate, paying revenue immediately to Government, which may be ordered to be divided into two or more distinct estates, and the apportioning of the fixed* jumma *assessed on the whole of the estate, upon the several shares, is to be executed under the superintendence of the collector of the revenue of the* zillah *in which the state may be situated.*

Proprietors of a joint estate entitled to have a division of it made at their own expence.

III. If all the proprietors of a joint undivided estate, shall be desirous to have their estate divided into two or more separate estates, they are to make a written application

* This entire regulation is rescinded by Section 2, Regulation XIX. 1814.

for

for that purpose to the collector of the zillah *under their respective seals and signatures, and attested by four credible witnesses, specifying the shares which belong to them respectively, and whether they are desirous of having separate possession of their respective shares, or whether any two or more of them propose to hold their shares as a joint estate. The collector is to forward the application to the Board of Revenue, who are empowered to authorize him to divide the joint property into the number of estates requested by the proprietors. All expences incurred by the division are to be borne by the proprietors, in the proportion which their respective shares may bear to the whole estate. Agreeably to this rule, a proprietor of a sixteenth part, or one anna share, will defray a sixteenth of the expence, and the other sharers in proportion.*

One, two, or more of the proprietors of a joint estate entitled to have their shares separated at his or their expence.

IV. First. *If one, two, or more of the proprietors of a joint estate, shall be desirous to have the separate possession of his or their respective share or shares, or, if two or more of them shall be desirous to have their shares separated, and to hold them as a joint estate, they are to make a written application for that purpose to the collector of the* zillah, *under their seals and signatures, and attested by four credible witnesses. The collector is to forward the application to the Board of Revenue, who are empowered to authorize the collector to make the division as may be requested by the proprietors. If the division shall be made at the application of one sharer only, he is to pay the whole of the expence attending it. If the division be made at the application of two or more of the sharers, they are to defray the expence in the proportion that each of their respective shares may bear to the aggregate of their shares. Agreeably to this principle, if the estate be divided at the application of three sharers, each entitled to two-sixteenths, or a two annas share of the whole estate, each sharer is to defray a third of the expence attending the division.*

Courts of justice may order the division of an estate in the cases herein specified.

Second. *Where any person or persons may succeed to the proprietary right in a portion, or the whole of an estate, in virtue of a decree of a court of justice, the court to which the enforcing of the decree may be committed, is empowered, upon receiving an application from the proprietor or proprietors to that effect, to issue a precept under the seal of the court, and attested by the register, to the collector, requiring him to divide the estate, and (provided it be not held* khas *or let in farm by Government) to put the parties in possession of the shares to which they may be entitled under the decree. The collector is to proceed to make the division upon the receipt of the precept, sending a copy of it to the Board of Revenue for their information.*

Collectors not to proceed to a division, if all, or any of the parties in possession deny the right of the person or persons applying for the division to the share or shares claimed, until their title be established in the dewanny adawlut, *or the parties so denying shall admit the title.*

V. If one, two, or more persons shall apply to a collector for the division of an estate, and the separate possession of the share or shares to which he or they may state themselves entitled, and all or any of the persons in the possession of the estate, or any part of it, shall deny by a writing under his or their seals and signatures, and attested by two credible witnesses, the right of such claimant or claimants to the share or shares so claimed, the collector is not to proceed to the division until he or they shall have established his or their right to such share or shares in the dewanny adawlut, *or until the party denying such right, shall signify to the collector, by a writing under his or their seals and signatures, and attested by four credible witnesses, that he or they admit the title of the person or persons applying for the division, to the share or shares claimed.*

Two or more estates which originally formed part of the same zemindaree, &c. *may be united and registered as one estate.*

VI. If two or more estates that may have originally formed specific and ascertained portions of the same zemindaree, talook, *or* chowdrai, *shall come into the possession of one person; or, if one, two, or more persons shall possess two or more shares of any such estate, such person or persons shall be entitled to have such shares united, and to hold them as one estate. Application for the union of estates, is to be made to the collector of the* zillah *in writing, under the seal and signature of the proprietor or proprietors, and attested by two credible witnesses. The collector is to forward the application to the Board of Revenue, who are empowered to comply with the application, reporting it to the Governor General in Council, to whom a power is reserved of disallowing the union, in cases in which, from the great extent of the estates proposed to be united, it may appear to him unadvisable. If the union shall take place, the required entry of it is to be made in the register of intermediate mutations in property, as prescribed in Regulation XLVIII.*

1793; *and, in the next quinquennial register, the estates so united, are to stand as one estate, and an engagement for the fixed revenue assessed upon it, is to be taken from the proprietor or proprietors accordingly.*

VII. When a division of an estate shall be ordered to be made, each of the estates into which the property may be directed to be divided, shall be formed of entire and (as far as the situation of the lands, and other local circumstances may admit) contiguous mohauls *or villages, so that each estate may be as compact as possible.*

Each estate to be as compact as possible.

VIII. The public revenue is to be assessed upon each estate into which the property may be ordered to be divided, in conformity to the rules prescribed in Regulation I 1793; *but in selecting the* mohauls *or villages to be included in each separate estate, the advantages or disadvantages arising from situation, the vicinity of roads or navigable rivers, the nature and quality of the soil and produce, the quantity of waste land, the depth at which water may be procurable, the number of tanks, the state of the embankments, and water-courses, and every other local circumstance affecting the present, or likely to influence the future, value of the lands, are to be duly considered, and the* mohauls *or villages to be included in each estate, fairly and impartially selected accordingly. A strict adherence to the above rule is essential to rendering the division equitable. For if the* mohauls *or villages containing a large proportion of waste land, and situated in the vicinity of a navigable river, or possessing other local advantages, are included in one estate, and the* mohauls *or villages, liable to inundation, or comprising a small proportion of waste land, or situated at a greater distance from a navigable river, or subject to other local disadvantages, are included in another, it is obvious that the selection of the* mohauls *and villages included in the two estates, will not be fairly and impartially made, although the public revenue may be assessed upon each estate agreeably to the rules prescribed in Regulation I* 1793, *as far as regards their immediate produce at the time of the division. The former estate will be more valuable than the latter, from being capable of improvement, without being liable to be affected by the calamities of season, whilst the latter will be subject to those calamities, without possessing the same advantages as the former.*

Public revenue to be assessed upon each estate agreeably to the rules herein prescribed.

Rules for selecting the lands to be included in each estate.

IX. If a dwelling-house belonging to one sharer, shall be situated in a mohaul *or village, which may be included in the estate of another, the proprietor of such house shall be at liberty to retain it with the offices, buildings, and ground, immediately attached to it, upon paying to the proprietor of the* mohaul *or village an equitable rent for the ground and the limits of the ground, and the rent to be paid for it shall be particularised in the paper of partition.*

Upon a division, proprietors allowed to retain their dwelling-houses and the land immediately attached to them, although situated in the share of another, on paying rent for the land.

X. Tanks, reservoirs, water-courses, and embankments, shall be considered as attached to the land for the benefit of which they were originally made. In cases in which from the extent, situation, or construction of works of this nature, it shall be found necessary the continue them the joint property of the proprietors of two or more of the estates, the paper of partition is to specify, as far as circumstances may admit, the proportion of the benefit which each estate is entitled to derive therefrom, and of the expence of the repairs with which it is to be charged.

Rules with regard to tanks, embankments, &c.

XI. Places of worship that may have been held in common previous to the division of a zemindaree *or other estate, shall be continued on the same footing, unless the parties shall otherwise agree amongst themselves; in which case, they are to signify their determination in writing to the* ameen, *who shall insert it in the paper of partition.*

and places of religious worship.

XII. When an estate shall be ordered to be divided, the collector is to appoint a creditable ameen *to make the division, with such personal allowance and establishment as may appear to him proper, reporting the amount and particulars of each to the Board of Revenue for their approval.*

Divisions of estates to be made by an ameen, *to be appointed by the collector.*

XIII. First. *The collector is empowered and directed to administer the following oath to the* ameen, *previous to his proceeding to make the division:—" I A. B. appointed to make the division of the estate of ———, in the* zillah *of ———, solemnly swear, that I will fairly and impartially, and as expeditiously as may be practicable, make the division of the property, and apportion the public revenue upon each distinct estate into which it is directed to be divided, to the best of my knowledge and judgment,*

Oath to be taken by the ameens.

 according

according to the regulations passed by the Governor General in Council; that I will not directly or indirectly receive, or allow any other person to receive, any fee, present, or reward whatever, from any of the sharers, or any person or persons on their behalf on account of the division, or any matter connected therewith; that I will not derive any advantage or emolument from my appointment, excepting such as may be expressly allowed to me by the collector, and approved by the Board of Revenue; and that I will deliver to the collector all such papers and accounts as may come into my possession, respecting the estate which I am appointed to divide."

Penalty for ameens *convicted of corruption in opposition to their oath.*

Second. *If the* ameen *shall be convicted before the* dewanny adawlut *of the* zillah, *of receiving or allowing any other person to receive, directly or indirectly, any money or effects, or other property, from the sharers, or any person or persons on their behalf, in opposition to his oath, he shall be compelled to restore the money or property to the party from whom it may have been received, and to pay a fine of three times the amount or value of it to Government, with all costs to the party prosecuting, and be imprisoned until he shall make good the decree, or the amount of it shall be liquidated by the sale of his property.*

Documents with which the collector is to furnish the ameen.

XIV. The collector is to deliver to the ameen *a* sunnud *of appointment, under his official seal and signature, in which are to be specified the name of the estate, the names of the different sharers, their respective proportions, the number of separate estates into which the property is to be divided, and the shares included in each estate, together with a copy of the regulations under which he is to make the division, and of the entries in the last formed quinquennial register, or in the subsequent register of intermediate mutations, which may relate to the property to be divided.*

Ameen *to survey the different parts of the estate in person.*

XV. Upon the arrival of the ameen *on the spot, he is to survey in person the different parts of the property, so as to enable him to select the lands to be included in each estate, in conformity to the rules prescribed in Sections* 7 *and* 8.

Proprietors to furnish the ameen *with the necessary accounts to enable him to allot the* jumma *on the several shares, in conformity to Regulation I.* 1793.

Proprietors to swear to the truth of the accounts, or, if exempted from swearing, to subscribe the usual declaration.

Proprietors liable to be fined, if they do not produce the accounts.

XVI. The proprietors are to furnish the ameen *with the accounts of the gross produce of each* mohaul *and village, and all other accounts or information that he may require, to enable him to assess the public revenue on each of the estates into which the property is to be divided, in conformity to the rules prescribed in Regulation I.* 1793. *The proprietors are to swear to the truth of the accounts before the* ameen, *or, if they shall be of the description of persons whom the courts of judicature are empowered to exempt from taking oaths, the collector is to authorize the* ameen *to receive from them a solemn declaration to the truth of the accounts. If the proprietors shall omit to furnish the required accounts, the persons withholding them, shall be liable to such daily fine until they produce them, as the Governor General in Council may judge it proper to impose upon a consideration of the case, and their situation and circumstances in life; and the amount of the fine shall be levied by the collector, by the same process as is prescribed for levying arrears of revenue.*

Proprietors to cause their putwarees, *and other* zemindaree *officers to attend the* ameen, *under the penalty herein prescribed*

Putwarees *acting contrary to the rules in Section* 62, *Regulation VIII.* 1793.

Documents to be delivered to the collector by the ameen *when he has completed the division.*

XVII The proprietors are likewise to cause the putwarees, *and other* zemindaree *officers, to attend the* ameen *to explain the accounts, and furnish him with such information as he may require for dividing the estate and apportioning the public* jumma, *under the penalty of being fined in the same manner as for omitting to produce their accounts.* Putwarees *refusing to deliver their accounts, or otherwise acting contrary to the rules contained in Section* 62, *Regulation VIII.* 1793, *shall be proceeded against as therein directed.*

XVIII When the ameen *has completed the division of the property, and allotted the public revenue on each estate, he is to submit to the collector the papers of the division and allotment, which are to specify the names of the* mohauls *or villages included in each separate estate into which the property may have been divided, the gross produce of each* mohaul *and village for the three years preceding the year in which the division may be ordered to be made, and the proportion of the public* jumma *which he may have assessed thereon, with such observations regarding the manner in which he may have selected the lands included in each estate, and the accounts from which he may have apportioned the public revenue of them, as may be necessary for the information of the collector, together with a detail of the adjustment which he may have made respecting the tanks, places of worship, or other matters, specified in Sections* 9, 10, *and* 11.

XIX. The collector is to examine the documents which may be delivered to him by the ameen, *and, after receiving any objections or remarks that may be offered to him by the sharers in person, or by their* vakeels, *he shall draw out a paper of partition, specifying the* mohauls *or villages included in the several estates into which the property may have been divided, the gross produce of each* mohaul *or village, the allotment of the public* jumma *upon each, the name or names of the proprietor or proprietors of each estate, and, where an estate is to be held as the joint property of two or more persons, their respective shares in the estate, together with the stipulations that may have been made respecting any of the matters mentioned in Sections* 9, 10, *and* 11, *and transmit a copy of the paper to the Board of Revenue, with such observations as may be necessary to enable them to judge whether the division of the property, and the allotment of the* jumma *on each estate into which it may have been divided, have been made agreeably to the regulations. Previous however to forwarding the paper of partition to the Board of Revenue, the collector is to furnish the sharers with a copy of it, and any objections which they may offer to it, are to be forwarded to the Board of Revenue with the paper. The Board of Revenue are empowered to confirm, or make such alterations in the division of the property, and the allotment of the public revenue on each estate, or other matters specified in the paper of partition, as may appear to them proper, reporting their determination to the Governor General in Council. The Board of Revenue may order further enquiries to be made before they pass their determination on the division, in cases in which it may appear to them necessary.*

Collector after examining the documents, and hearing the objections of the parties, to draw out a paper of partition.

What the paper is to contain.

Copy of the paper to be transmitted to the Board of Revenue with the collector's remarks.

Sharers to be furnished with a copy of the partition paper, and their objections to or remarks upon it, to be forwarded with the paper to the Board of Revenue.

Board of Revenue may confirm or alter it, or order further enquiries.

XX. The determination of the Board of Revenue on the paper of partition, shall be communicated in writing, by the collector to the sharers, who shall be allowed six weeks from the date of the communication, to appeal from the determination of the Board of Revenue to the Governor General in Council, whose decision shall be final. The party desirous of appealing, is to present his petition of appeal to the collector, or to the Board of Revenue, and the petition is to specify the matters to which the appellant may object.

Decision of the Board of Revenue to be communicated to the sharers, all or any of whom may appeal from it to the Governor General in Council, within six weeks.

XXI. If all the sharers shall express themselves satisfied with the decision of the Board of Revenue by a writing under their respective seals and signatures, or, if none of them shall appeal within the limited time, or (in the event of an appeal having been preferred) upon the receipt of the final decision of the Governor General in Council, the collector shall put the parties in possession of their respective estates, and immediately make the necessary entries in the register of intermediate mutations as prescribed in Regulation XLVIII. 1793, *after comparing the documents delivered by the* ameen, *with the entries regarding the estate in the preceding quinquennial register, and correcting or supplying any errors or omissions that may be discovered in those entries.*

Collectors to put the parties in possession of their estates, when all matters regarding the division have been finally adjusted.

XXII. In the cases specified in Sections 3 *and* 4, *if all the proprietors of the estate to be divided, shall agree to make the division themselves, and to allot the public* jumma *upon each estate, and to adjust all other matters respecting the division, agreeably to the Regulations, they are to present a petition to that effect under their seals and signatures, and attested by four credible witnesses, to the collector, who is to issue directions to the* ameen *accordingly. But the proprietors shall produce the required accounts before the* ameen, *and swear, or subscribe a solemn declaration to the truth of them, and the division of the lands, and the apportioning of the* jumma, *and every other matter relating thereto, shall be settled in the presence, and subject to the inspection of the* ameen, *who is to be responsible for the regulations being in every respect observed. In like manner, if all the proprietors of the estate which may be ordered to be divided in the cases specified in Sections* 3 *and* 4, *shall agree to refer the division of the estate, and the apportioning of the public* jumma, *and the adjustment of all other matters respecting the division, to an arbitrator or arbitrators, they shall present a petition to that effect to the collector, attested by four credible witnesses, and specifying the name of the arbitrator or arbitrators whom they may choose, and where two or more arbitrators are chosen, the name of the umpire. Upon the receipt of the petition, the collector is to direct the* ameen *to cause the parties to execute arbitration bonds. The proprietors are to produce the necessary accounts before the arbitrators, and to swear, or subscribe a solemn declaration to the truth of them, before the* ameen, *and the division of the lands, and the allotment of the* jumma, *and every other*

Division of estates may be made by the sharers themselves, or by arbitrators, under the inspection of the ameen, *in the cases herein specified.*

other matter relating thereto, shall be settled by the arbitrators, in the presence and subject to the inspection of the ameen, *who is to be responsible for their proceeding according to the Regulations. When the sharers, or the arbitrators in the cases above specified, shall have adjusted the division of the property, and the allotment of the public* jumma *on each estate, and all matters relating thereto, and the whole shall have undergone the revision of the* ameen, *he is to submit all the documents and papers specified in Section* 18, *to the collector, who, upon the receipt of them, is to proceed in the same manner as if the divison had been made without the interference of the parties or the arbitrators; and all the rules contained in this regulation regarding divisions made solely by the* ameen, *are to be held applicable to divisions made by the parties, or arbitrators, under this section.*

Estates, however small, to be rendered as compact as possible.

XXIII. If any landed property ordered to be divided, shall not consist of a sufficient number of villages, to admit of one or more whole village or villages being included in each estate, the division of the village or villages of which the property may consist, is to be made so as to render each estate into which the property may be divided, as compact as possible.

Cases in which the sharers are to draw lots for the lands that are to form their respective estates after the division is finally adjusted.

XXIV. To remove, as far as may be possible, every inducement to fraud or partiality in the division of landed property, it shall be a rule, that where two or more of the estates shall consist of the same proportions of the whole property divided, the parties entitled to them, shall draw lots for the divisions, in the public cutcherree *before the collector, who shall be held responsible that in drawing the lots no unfair means are practised. Agreeably to this rule, if any landed property shall be ordered to be divided into three estates, each consisting of a four annas share or four-sixteenths; or into three estates, one consisting of an eight annas share or eight-sixteenths; and the other two, each of four annas or four-sixteenths of the whole property, after the division and allotment of the public revenue, and every other matter relating to the division, shall have been finally adjusted, the proprietors of the four shares in the first case, and of the two four-annas shares in the second, shall draw lots for the divisions, unless they shall settle amongst themselves which division of the property each party is to receive, and present a petition to the collector under their respective seals and signatures, and attested by two credible witnesses, specifying the divisions which each of them may have agreed to take, in which case, the collector shall put them in possession of the divisions which they may respectively select.*

Governor General in Council reserves the power of ordering a new allotment of the public jumma, *in the event of it being proved to his satisfaction within three years, that the allotment was fraudulently or erroneously made.*

XXV. To guard against collusion, or error, in the distribution of the public jumma *on landed property which may be ordered to be divided into two or more distinct estates, it is declared, that if it shall be proved to the satisfaction of the Governor General in Council within three years after the parties may have been put in possession, that the* jumma *was fraudulently or erroneously apportioned at the time of the division, he reserves to himself the power of ordering a new allotment of the* jumma *upon the several estates into which it may have been divided, conformably to the principles prescribed in Regulation I.* 1793, *upon an estimate of the gross produce of each estate at the time of the division, to be made agreeably to the best evidence and information that may be procurable respecting it, and further, of ordering the parties whose estates may appear to have been under-assessed, to pay the sharers upon whose estates the assessment may have been excessive, the sum of which they may be found to have been defrauded by the over-assessment, and, in the event of their omitting to discharge the amount, to cause it to be levied by the collector by the process prescribed for the recovery of arrears of revenue.*

and to order the parties whose estates may have been over-assessed, to be indemnified by the sharers whose estates may have been under-assessed.

Court of wards to take care that the rights of females or proprietors disqualified by natural defects or infirmities, are duly attended to in divisions.

XXVI. If any of the sharers in landed property ordered to be divided, shall be females not deemed competent to the management of their own estates, or minors, or persons otherwise disqualified for the charge of their own lands, the collector is to report the same to the court of wards, who are enjoined to be careful that the rights of such proprietors are duly attended to in the division, although his or her share of the property should not be liable after the division may be finally adjusted, to the operation of Regulation X. 1793.

XXVII. If any of the sharers in landed property ordered to be divided, from indisposition or other cause, shall be unable, or shall not choose to attend the collector or the ameen *in person, in the cases required, they are to depute a* vakeel *duly appointed, with powers to perform all such acts as they themselves are authorized or required to perform under this regulation, until the division of the property shall be finally adjusted.*

Parties not attending in person to appoint vakeels *with full powers to act for them.*

XXVIII. Landed property, for the payment of the public revenue assessed upon which, engagements have been or may be concluded with the proprietors, and that may be ordered to be divided under this regulation, is to remain under charge of the manager directed to be appointed by the proprietors of joint undivided estates, by Regulation VIII. 1793, *and the whole of it is to be held answerable for the payment of the public revenue assessed upon it, until the division shall have been finally adjusted, and the proprietors put into possession of the distinct estates into which it may be ordered to be divided.*

Joint landed property to be held responsible for the payment of the public revenue, until the parties are put in possession of the distinct estates into which it is to be divided.

XXIX. The division of landed property held khas, *or let in farm by Government, in as much as regards the division of the lands, is to be made agreeably to the rules prescribed in this regulation, as far as they may be applicable to lands so circumstanced; and the farmer, or the native collector, of the revenue on the part of Government, shall produce all the accounts and papers which they may possess, respecting the lands, upon receiving a requisition to that effect from the* ameen. *Such property, when divided, will be subject to the rules contained in Section* 11, *Regulation I.* 1793.

Rules respecting the division of landed property let in farm, or held khas *by Government.*

A. D. 1793. REGULATION XXVI.

A REGULATION *for extending the Term of Minority of Mahomedan and Hindoo Proprietors of Land paying Revenue to Government, to the Expiration of the eighteenth Year.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

BY the original rules for the decennial settlement of the three provinces, minors were declared disqualified for the management of their estates, and according to the rules for the establishment and guidance of the court of wards passed on the 15th July 1791, and re-enacted with modifications by Regulation X. 1793, the minority of proprietors of land is limited to the expiration of the fifteenth year. In fixing this period, Government were guided solely by legal considerations, the Mahomedan and Hindoo laws, although they prescribe no specific age for the termination of minority, indirectly pointing out the fifteenth year as the time when persons are to be considered competent to the management of their affairs. Instances however have recently occurred, that evince the inexpediency of vesting proprietors with the charge of their lands at this early period; and general principles, which have their foundation in human nature, justify the conclusion, that the same effects would result in similar cases that might hereafter occur, were the cause allowed to exist. At this early age, the proprietors must necessarily be unacquainted with the laws and regulations which they are bound to observe in the management of their estates, and their understanding cannot be sufficiently matured to render them sensible that their welfare depends upon their making the acquirement of this knowledge the chief object of their pursuit. Emancipated from the control of their guardians, and with their property at their disposal, they abandon themselves to those pleasures to which their youth naturally inclines them. The management of their estates consequently devolves to favourites or dependants, who are interested in confirming them in habits of dissipation, until they have lost both the capacity and inclination to assume the direction of their own affairs. But the pernicious consequences resulting from the incapacity of the proprietors, is not confined to themselves. The cultivators of the soil, and the various orders of people residing upon their lands, suffer equally by the rapacity and mismanagement of their agents; the payment of the public revenue is withheld; and the improvement of the country retarded. It is therefore imcumbent on Government, as well with a view to the future welfare of the proprietors of land in general, as to protect the country from the frequent shocks to which it would necessarily be liable from their want of education and early corruption of morals, to extend the term of their minority to an age, by which, with due attention on the part of their guardians, they may be rendered qualified for the management of their estates. The following rules have been accordingly enacted.

Period of minority extended to the end of the eighteenth year.

II. The rule contained in Section 28, Regulation X. 1793, which limits the minority of Hindoo and Mahomedan proprietors of estates paying revenue to Government, to the expi-

 ration

ration of the fifteenth year, is hereby rescinded, and the minority of such proprietors is declared to extend to the end of the eighteenth year.

Rule declared to extend to male proprietors of joint undivided estates.

III. The rule contained in the preceding section, is to be considered to extend to proprietors of joint undivided estates, for the management of which a *serberakar* or manager is required to be appointed by the proprietors by Section 23, Regulation VIII. 1793.

A. D. 1793. REGULATION XXVII.

A REGULATION *for re-enacting, with Alterations and Modifications, the Rules passed by the Governor General in Council, on the* 11*th June and* 28*th July* 1790, *and subsequent Dates, for the Resumption and Abolition of the Sayer, or internal Duties and Taxes, throughout Bengal, Behar, and Orissa; and for adjusting and paying the Deductions and Compensations, directed to be granted to the Proprietors and Farmers of Estates, paying Revenue to Government, and the holders of Property exempt from the Payment of Revenue to Government, on account of the Duties and Taxes abolished.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

THE imposition and collection of internal duties, have from time immemorial been admitted to be the exclusive privilege of Government, not exercisable by any subject without its express sanction; and consequently it has ever been a well known law of the country, that no person can establish a *ganje, haut,* or *bazar,* without authority from the governing power Grants from the sovereign or his representative, delegating this authority, as well as universal tradition, prove that this right was asserted by the Mahomedan government; and the orders of the Honourable Court of Directors, as well as repeated declarations and promulgations by the British administrations, demonstrate that this right was constantly asserted by the Company. It was however judged advisable to leave the exercise of this privilege to the landholders, Government contenting themselves with imposing general regulations for the prevention of undue exactions, and occasionally interfering to modify or abolish particular imposts as they occurred, or were discovered. Experience having at length proved that prohibitory orders for preventing oppression, were not attended with the desired effect, it was determined on the 11th June 1790, to take from the landholders the power of imposing and collecting duties altogether, and to exercise this privilege immediately and exclusively on the part of Government. The consequences of this measure were expected to be, the effectual abolition of many vexatious duties on articles of internal manufacture and consumption, as well as on exports and imports; the suppression of many petty monopolies and exclusive privileges, which had been secretly continued to the great prejudice of the lower orders of people; and, as the natural effects of the reform of these abuses, benefit to trade, and ease to the inhabitants of the country in general A further consequence expected from the exercise of this privilege, was a future opportunity of augmenting the public revenue, in case the exigencies of Government should render it indispensably necessary, without increasing the assessment on the land. But this was a secondary expectation only; the primary objects intended were those first stated, the promotion of commerce, and the general relief of the inhabitants. In the adoption of the above arrangements, the Governor General in Council had no intention to divest the landholders of any collections they had made, under the denomination of *sayer,* not in reality a duty, but a consideration for the use of ground, shops, or other buildings belonging to them. As however the rent of warehouses

houses *(golahs,)* and shops *(dokans,)* had in general been received by the officers employed to collect the *gunge*, *haut*, and *bazar* duties, and had frequently been let in farm with them; and as the rent paid for orchards, pasture ground, and fisheries, had been sometimes included in the *sayer*, under the denominations of *phulkur*, *bunkur*, and *julkur*, the Governor General in Council thought it necessary to declare expressly, that it was by no means his intention to include in the resumption of the *sayer* then ordered, the monthly or annual rents paid for ground, or buildings erected thereon of whatever description, or the *phulkur*, *bunkur*, and *julkur*, such rents being properly the private right of the proprietors, and in no respect a tax or duty on commodities, the exclusive right of Government. The principles on which it was determined that a compensation should be made to the parties affected by the discontinuance of the privilege of collecting duties, were as follow. Firstly, It having never been lawful to exercise this privilege without the sanction of Government, it followed, of course, that all instances of the exercise of it without such sanction were illegal usurpations, and the usurpers, so far from having any just claim to a compensation, might, without injustice, have been made answerable for the amount unlawfully received by them. As however the Company had limited their retrospection in similar cases to the period of their accession to the *dewanny*, this principle was adopted only with regard to collections commenced since that period Secondly, Government having also always reserved to itself a power of abolishing all duties deemed oppressive, it followed that all collections, made contrary to any prohibitory orders of Government, were unauthorized exactions, for which no compensation was due to the parties who had benefited by them. Thirdly, The condition of particular persons reduced to distress, by the deprivation of the income they had received from duties, though unauthorized, being a separate consideration, unconnected with the question of right, was reserved for determination as cases might occur. Fourthly, The holders of *lakheraje* land, or land exempted from the payment of the public revenue, who had received the sanction of Government to the establishment of *gunges*, *bazars*, and *hauts*, on their lands, or in other words, who had been authorized to exercise the privilege of collecting duties thereon, were deemed entitled to a full compensation for the resumption of such privilege, adequate to the annual profit they derived from it. Fifthly, The holders of *malguzaree* land, or land assessed for the public revenue, who had been permitted to collect *gunge*, *haut*, *bazar*, or other duties on their lands, were also considered entitled to a full compensation for the profits they were allowed to enjoy from such collections; and these profits having by a general regulation been limited to one tenth of their neat receipts, an equivalent to this proportion was considered the compensation due to them. In pursuance of the principles above stated, the Governor General in Council prescribed such rules, adapted to existing circumstances, as he judged necessary for the immediate guidance of the collectors and the Board of Revenue in carrying his intentions into effect, in such mode as might secure the objects intended with the least possible injury to the individuals affected thereby. But on the collection of the *sayer* being committed to the officers of Government, it was found that the exactions were so numerous, and complicate, and imposed on such impolitic principles, as to preclude the possibility of regulating them in such a manner as to render them productive to the state, and at the same time to prevent their operating as a burden on the internal commerce and industry of the country. It was in consequence determined, on the 28th July 1790, to abolish the *sayer* collections (with certain specified exceptions) throughout the three provinces, leaving it to future consideration what internal duties or taxes should be imposed in lieu of them. The Governor General in Council deeming it of importance that all the rules which have been passed regarding the *sayer* collections since their first resumption on the 11th June 1790, to the present date, should be made as generally known as possible, he has included them in this regulation, and the several rules passed within that period, are to be considered to have operated from the date on which they were respectively passed, and to be still in force, excepting where they shall have been wholly or partially modified, altered, or rescinded by subsequent rules enacted during that period, or by this regulation, or any other regulation passed on this date.

RULES FOR THE RESUMPTION OF THE SAYER, PASSED ON THE 11th JUNE, 1790.

Taxes and duties to be levied by Government only.

II. *First.* ART. 1*st.* No landholder, or other person, of whatever description, shall be allowed to collect in future, any tax or duty of any denomination; but all taxes and duties shall

shall be hereafter levied on the part of Government, by officers duly appointed for that purpose, under such regulations as may be passed for their guidance.

Second. 2*d.* No monthly or annual payments now made, or which may be hereafter made, for the use of land, or houses, shops, or other buildings erected thereon, being clearly of the nature of rents, and not duties or taxes, are to be understood to be within this prohibition, but all such rents are to be enjoyed by the proprietors entitled thereto as heretofore.

Rents for the use of land, or for houses erected thereon, not within the above prohibition.

Such rents to be paid to the proprietors as heretofore.

Third. 3*d.* The collectors, in resuming *gunges*, *hauts*, and *bazars*, as already ordered, are to attend carefully to the distinctions contained in the two preceding articles, resuming universally whatever collections come within the first, and avoiding generally any resumption of the rents described in the second.

Collectors to attend carefully to the above distinctions in resuming *gunges*, &c.

Fourth. 4*th.* The collectors are to appoint competent persons to the management of the several *gunges*, *hauts*, and *bazars*, within their respective jurisdictions, with orders to keep the most particular accounts of their receipts during the current year, distinguishing as far as possible, the articles on which the duties may be collected by them, as well as the nature and rate of each, and with the following general instructions, in addition to such as they may, from local circumstances, think necessary. To discontinue all *rahdaree*, *chelunta*, and other collections of every denomination prohibited by the orders of Government. To discontinue all monopolies and exclusive privileges for the manufacture or sale of particular articles, and establish in lieu of them, with the sanction of the collectors, a moderate duty on such articles, to be levied at the time of manufacture or sale. To collect all existing duties, as far as may be compatible with these principles, according to their present rates, to the end of the current year.

Collectors to appoint competent persons to the management of the *gunges*, &c. with instructions to keep the accounts herein specified.

To discontinue all *rahdaree* collections,

monopolies and exclusive privileges for making or selling articles,

and to establish a moderate duty on such articles,

and to collect authorized existing duties until the end of the year.

Fifth. 5*th.* At the end of the current year, the collectors are to transmit abstracts of the accounts delivered by the several agents employed by them in the collection of duties, with such remarks as may be necessary for full information of the nature of the several articles of collection, and specific propositions for the regulation thereof in future.

At the end of the year collectors to transmit abstracts of the collections, with propositions for the regulation of them.

Sixth. 6*th.* The collectors are to propose such establishments as they may think necessary for the collection of the duties within their respective districts for the current year, observing therein the greatest possible attention to economy, and that such establishments are to be decided on by the Board of Revenue.

Collectors to propose establishments for the collection of the duties for the current year.

Seventh. 7*th.* The *gunge*, *haut*, *bazar*, and other duties, (the *abkaree* only excepted,) which may be collected during the current year on *lakheraje* land, and of which no part has hitherto been received by Government, are, after deducting the amount of the establishment approved by the Board of Revenue, to be paid monthly to the persons who would have been entitled to receive the same in case the collection had not been taken into the hands of Government, on receipts for the amount so paid.

Collections on the *lakheraje* lands to be paid to the proprietors.

Eighth. 8*th.* The land revenue is to be adjusted, according to the rules already prescribed for the decennial settlement, on the assets of the *malguzaree* land, exclusive of the duties resumed, and that of the *gunge*, *haut*, *bazar*, and other duties, (the *abkaree* excepted,) which may be collected during the current year on *malguzaree* land, or which have hitherto been a source of revenue to Government, after deducting the amount of the approved establishment, one-tenth is to be paid to the proprietors of the land wherein the duties shall be collected, and the remaining nine-tenths are to be carried to the credit of Government. Disputed claims to this allowance, are to be decided on in the first instance by the collectors, subject to an appeal to the Board of Revenue, within the period prescribed for appeal by the existing regulations.

Land revenue to be adjusted exclusive of the duties resumed. One tenth of the neat amount of the resumed collections to be paid to the proprietors of *malguzaree* land.

Disputed claims on this account to be decided in the courts of *moal adawlut*.

An appeal to be made to the Board of Revenue, and the Governor General in Council.

Ninth. 9*th.* It shall be notified to all persons who have hitherto exercised the privilege of collecting *gunge*, *bazar*, *haut*, and other duties, whether on *lakheraje* or *malguzaree* land, that they are at liberty to appoint agents on their parts, to keep counterpart accounts of the collections made by the officers of Government during the current year, and that in the event of their appointing such, the collectors are to require the officers employed by them, to obtain the joint signature of these agents to the several accounts transmitted by them.

Persons heretofore entitled to levy duties, to appoint officers to keep counterpart collections made by the officers of Government.

Compensation to be made to the holders of *gunges*, &c. for the *sayer* resumed.

Period limited for the exhibition of the titles and claims to such compensation.

Tenth. 10*th.* The holders of all *gunges*, *bazars*, *hauts*, &c. are informed, that it is the intention of Government to make them an equitable compensation hereafter, adequate to the profit they were entitled to from all duties collected by them with due authority, or by usage commencing previous to the Company's acquisition of the *dewanny*; and they are required, in order to enable Government to determine on the compensation to be made to them, to exhibit before the collectors, within three months from the date of a public notice to be issued to that effect, the titles by which they have levied the *gunge*, *bazar*, *haut*, and other duties collected by them respectively, or proof of their having established the same before the Company acquired the *dewanny*.

Collectors to examine the vouchers and proofs of each title, and to transmit their proceeding and the abstracts required in Article 5th, to the Board of Revenue, with their opinion what claims are established or otherwise.

Board of Revenue to forward these reports to the Governor General in Council, who will determine on the compensation, and the mode of making it.

Eleventh. 11*th.* The collectors, on exhibition of the vouchers, and proofs offered in pursuance of these regulations, or as soon afterwards as circumstances may admit, are to enter into a full examination of the same, and to transmit their proceedings at large, with a summary, to the Board of Revenue at the close of the current year, together with the abstracts required in the fifth article, adding in every instance their opinion how far the right of collection appears to be established, or otherwise. The Board of Revenue, on receipt of these reports, are to forward the same, with their opinion on each case, after requiring any further information they may think necessary, to the Governor General in Council, who will then determine on the right of the several parties to a compensation, as well as on the mode of making the same.

Persons exacting duties contrary to this regulation liable to be sued in the *dewanny adawlut*.

Decree to be passed by the court on proof of the charge.

Twelfth. 12*th.* All persons exacting duties contrary to these regulations, whether principals or accessaries, are declared liable to prosecution in the courts of *dewanny adawlut*, the judges of which are to hear and determine the cause within ten days after its institution, and on proof of the exaction, are to decree heavy damages, with all costs, to the party injured, according to the circumstances of the offenders, and enforce the payment thereof by the customary process.

Collectors to transmit a list of persons receiving pensions from the *sayer*, with a report on the amount and origin of the claims, and whether the claimants are objects of charity.

Thirteenth. 13*th.* Where persons may be in receipt of pensions for charitable or religious purposes, from the *gunge*, *haut*, or *bazar* duties resumed, the collectors are to transmit a list thereof, with a report of the origin and amount of such pensions, and state how far the persons receiving the same are objects of charity, who would be distressed by an immediate discontinuation of the allowances to them respectively.

These rules are not to extend to *gunges*, &c. within the town of Calcutta.

Fourteenth. 14*th.* These rules are not to extend to *gunges*, *bazars*, and *hauts*, within the limits of the town of Calcutta.

Collectors to attend strictly to these orders, which are to be printed and circulated with translates.

Fifteenth. 15*th.* The collectors are to give the strictest attention to the due enforcements of these orders, which, with Persian and Bengal translations, shall be printed and circulated throughout the several districts for general information.

RULE PASSED ON THE 23D JUNE 1790.

Expences of the collection of the *sayer* directed to be defrayed by Government for the year in which it was resumed.

III. The allowances which may be fixed for the officers appointed on the part of Government to collect the duties in the *gunges*, *hauts*, and *bazars*, in the *malguzaree* and rent free lands, for the current year, are to be paid by Government, and not from the collections of the *gunges*, *hauts*, and *bazars*, as directed by the 7th and 8th articles of the regulations of the 11th June 1790, and the collectors are accordingly directed to pay the amount of the gross, instead of the neat collections, to the holders of such *gunges*, *bazars*, and *hauts*.

RULE FOR THE ABOLITION OF THE SAYER, PASSED ON THE 28TH JULY 1790.

Abolition of the *sayer*.

IV. The privilege of imposing and collecting internal duties, has been resumed from the landholders, and taken exclusively into the hands of Government for the purpose of reforming abuses in these collections, and thereby affording benefit to the commerce of the country, as well as general ease to its inhabitants. For the more effectual attainment of these objects, the Governor General in Council has now resolved, that all duties, taxes, and other collections, coming under the denomination of *sayer*, (with the exception of the Government and Calcutta customs, the duties levied on pilgrims at Gya, and other places of pilgrimage; the *abkaree*, or tax on spirituous liquors, which is to be collected on account of Government agreeably to former orders; the collections made in the *gunges*, *bazars*, and *hauts*, situated within the limits of Calcutta, and such collections as are confirmed to the landholders, and the holders of *gunges*, *bazars*, and *hauts*, by the published resolutions of the 11th June

1790, namely, rent paid for the use of land, or for houses, shops, or other buildings erected thereon, or for orchards, pasture ground, or fisheries, sometimes included in the *sayer* under the denomination of *phulkur*, *bunkur*, and *julkur*,) whether made by Europeans or natives, either on their own or the public account, in the *gunges*, *baxars*, *hauts*, or other places within the provinces, be forthwith abolished, and that the compensations to be made in consequence, be regulated by an average of the neat produce stated in the past accounts for as many years as they can be procured, not exceeding ten, (excluding therefrom such collections as have been prohibited by Government,) and be adjusted with regard to the collections in *malguzaree* and *lakheraje* lands respectively, according to the principles already laid down in the resolutions of the 11th June 1790. The collectors have accordingly been required to withdraw their officers from the *gunges*, *baxars*, and *hauts*, and to transmit the accounts necessary for adjusting the compensation without delay, together with the reports before required from them on the titles by which the duties have been hitherto collected by the several persons levying them. At the same time, the Governor General in Council, conceiving there may be proprietors of petty *gunges*, *baxars*, and *hauts* in the *lakheraje* lands, whose subsistence has been chiefly drawn from the collections now abolished, and who may be subjected to distress or inconvenience, unless some provision be made for them during the period which may elapse previous to the adjustment of the compensation to be allowed them, has instructed the collectors, on proof of the situation of persons so circumstanced, to make them such monthly allowance as may appear advisable, to be deducted from the amount of the compensation to which they may finally appear entitled, provided that in no case the monthly allowance so given exceed the estimated monthly neat produce of the duties hitherto received by the parties respectively.

Rule passed on the 6th August 1790.

Ground on which *hauts* and *bazars* have been held to continue appropriated for that purpose for the public, free of all demand from the proprietor.

V. *First.* The proprietary right in the ground on which *hauts* and *bazars* are held, is to continue vested in the landholders; but the public are to have the free use of it. The rules passed on the 28th July 1790, extending to the abolition of all collections heretofore made under the head of *tehbazzaree* or other denominations, from persons exposing their goods for sale in the *gunges*, *baxars*, and *hauts*, under temporary stalls and sheds, or in the open streets, and as the landholders are to receive a compensation for these collections, they can have no right, whilst such compensation is continued to them, either to appropriate the ground for the temporary use of which such collections were made to any other purpose, or to levy any exactions whatever from the persons who may in future expose their goods thereon for sale as heretofore. The ground on which *hauts* and *bazars* are now held, is accordingly to be continued to be appropriated to this purpose free of all charge to the venders.

Rule in preceding clause, not to deprive the landholders of the collections declared to belong to them by the rules of the 11th June 1790.

Second. The above rule is not to preclude the landholders from receiving the monthly or annual rent arising from permanent shops, or other buildings, the collection of which is confirmed to them by the rules of the 11th June 1790.

Rules passed on the 8th April 1791.

Compensation to the proprietors of *gunges*, &c. in lands exempted from the payment of revenue, how to be discharged.

VI. *First.* The amount of the compensation to be given to the *lakheraje* holders of the *sayer* abolished, after a determination on their right thereto, in the mode directed by the regulations of the 11th June 1790, shall be paid in money, or in bonds bearing interest at the rate of twelve per cent. per annum, to be paid in quarterly proportions by the collector of the district in which the *gunge*, *haut*, or *baxar* yielding the *sayer* abolished, may be situated, until it shall suit the convenience of Government to pay off the principal, the amount of which is to be regulated upon this principle, that the annual interest be equal to the neat annual profit derived from the *sayer* abolished.

Compensation to the proprietors of *gunges*, &c. in lands paying revenue to Government, how to be discharged.

Second. The amount of the compensation to be given to the *malguzaree* holders of the *sayer* abolished, after the like determination on their right thereto, is to be provided to such of them as may engage for the revenue of their own lands, by granting to them an abatement of *jumma* equal to the full amount of their neat collections on account of the *sayer* abolished, which will include their one-tenth profit for which the compensation is ordered; and to those whose lands may now or hereafter be let in farm, by stipulating with the farmers for the payment of the amount of the compensation in addition to the *jumma* of Government, for securing which payment to the *malguzars*, a certificate is to be given to each of them under the

seal and signature of the Board of Revenue, declaring the annual neat amount of their *sayer* abolished, and their title to one-tenth thereof as their compensation receivable in the manner herein stated.

RULE PASSED ON THE 15TH APRIL 1791.

Amendment of the rule passed on the 8th April 1791, regarding the payment of the compensations to the proprietors of *mal guzaree gunges*, &c.

VII. *First.* Many lands having already been let in farm in Burdwan, and in other parts of Bengal, as well as in Behar, for ten years, and as the farmers of such lands could not now be made answerable for the amount of the *sayer* compensation to the proprietors in addition to the *jumma* of Government, without an equivalent deduction from the latter; and further, as it will be for the benefit of the proprietors without any disadvantage to Government, (since every farmer stipulating for the payment of the compensation would probably reduce his offers for the revenue in an equal proportion,) to declare the compensation of dispossessed landholders in general payable by Government, instead of the farmers, as determined by the rule passed on the 8th April 1791. The regulation of the 8th April 1791, is accordingly modified as follows.

Amended rule.

Second. The amount of the compensation to be given to the holders of the *malguzaree sayer* abolished, after a determination on their right thereto, in the mode directed by the resolutions of the Governor General in Council of the 11th June 1790, is to be provided to such of them as may engage with Government for the revenue of their own lands, by granting to them an abatement of *jumma* equal to the full amount of their former neat collections from the *sayer* abolished, including their one-tenth profit for which the compensation is ordered; and to those whose lands may now or hereafter be let in farm or held *khas*, by the annual payment of the amount of such compensation on the part of Government, to be made in quarterly proportions by the collector of the district in which the *gunge*, *haut*, or *bazar*, yielding the *sayer* abolished, may be situated, for securing which payment to the *malguzaree* holders entitled thereto, a certificate is to be given to each of them under the seal and signature of the Board of Revenue, declaring the neat annual amount of their *sayer* abolished, and their title to one-tenth thereof as their compensation receivable in the manner herein stated, until it can be provided by an abatement of *jumma* on the settlement of their land being made with them, in which case they will be no longer entitled to the payment specified.

RULE PASSED ON THE 24th JUNE 1791.

Further rule regarding the compensation to disqualified landholders.

VIII. Doubts having arisen, whether under the rule passed on the 15th April 1791, the one-tenth compensation is to be made to disqualified landholders by a reduction of *jumma*, or by a money payment from Government, their lands being nominally held *khas*, though really managed for the benefit of the proprietors, (any surplus collection above the fixed revenue being applied to their benefit,) it is declared, that the compensation in these instances is to be made in like manner as if the settlement were made with the proprietors, viz. by an abatement of the revenue assessed upon their lands equal to the full amount of the former neat collections of the *sayer* resumed or abolished, including their one-tenth for which the compensation is ordered; or, in cases where a new assessment of their lands may be made on consideration of the land assets only, by an abatement of such assessment equal to the amount of the one-tenth compensation due to them.

RULE PASSED ON THE 23d DECEMBER 1791.

Board of Revenue to grant certificates to *lakheraje* proprietors for their compensations.

IX. The Board of Revenue are to grant certificates under their seal and signature to the proprietors of *lakheraje gunges*, *bazars*, and *hauts*, for the amount of the compensations to which they may be entitled.

RULE PASSED ON THE 20th APRIL 1792.

Forms of certificates for compensations to be granted to the *lakheraje* and *malguzaree sayer* holders.

To proprietors of *lakheraje gunges*, *hauts*, and *bazars*.

X. *First.* The following are to be the forms of the certificates directed to be granted to the proprietors of *lakheraje* and *malguzaree gunges*, *bazars*, and *hauts*.

Second. "This is to certify, that A. inhabitant of B. in the district of C. having proved his right, as required by the 10th Article of the Regulations passed by the Governor General in Council on the 11th June 1790, to compensation account the *sayer* collections formerly made by him in the rent free *gunge*, *haut*, or *bazar*, denominated ———— in the

district of ——— but since prohibited by Government, he is, agreeably to the orders of the Governor General in Council of the ——— and ——— entitled to receive on this account, in equal quarterly proportions, from the collector of ——— the sum of ——— being the amount of his neat annual collections from the *gunge*, *haut*, or *bazar* aforesaid; this payment to commence from the period of the above *gunge*, *haut*, or *bazar* having been resumed, in conformity to the abovementioned orders of Government of the 11th June 1790, provided no part thereof has yet been received. It is to be understood, that the payment of this compensation by the collector in the manner aforesaid, is to continue no longer than until it shall please the Governor General in Council to determine on any other mode of making the same.

To proprietors of *malguzaree gunges*, *bazars*, and *hauts*.

Third. "This is to certify, that A. *zemindar* or *talookdar* of B. in the district or *soubah* of C, whose estate is now held *khas* or let in farm, having proved his right, as required by the 10th article of the Regulations of the Governor General in Council of the 11th June 1790, to compensation account the *sayer* collections formerly made by him in the *malguzaree gunge*, *haut*, or *bazar*, denominated ——— in the district of ———, but since prohibited by Government, he is, agreeably to the orders of the Governor General in Council of the ——— and ———, entitled to receive on this account, in equal quarterly proportions, from the collector of ——— the annual sum of rupees ——— being the one-tenth proportion of rupees ——— the neat annual amount of his *sayer* collections from the *gunge*, *haut*, or *bazar* aforesaid; this payment to commence from the period of the above *gunge*, *haut*, or *bazar* having been resumed, in conformity to the abovementioned orders of Government of the 11th June 1790, provided no part thereof has yet been received. It is to be understood, that the payment of the abovementioned compensation by the collector, is to continue no longer than until it can be provided for by an adequate abatement of *jumma* on the settlement of the lands of the bearer of this certificate being made with him, or his heirs."

Certificate to be granted to the proprietor of Govind Gunge.

Fourth. The case of the proprietor of Govind Gunge being of a special nature, the following certificate is to be granted to him.

"This is to certify, that Rada Govind Sing, having proved his right, as required by the 10th article of the Regulations of the Governor General in Council of the 11th June 1790, to compensation account, the *sayer* collections formerly made by him in the *gunge* denominated Govind Gunge, in the district of Nuddea, but since prohibited by Government, he is, agreeably to the orders of the Governor General in Council, of the 3d February 1792, entitled to receive on this account, in equal quarterly proportions, from the collector of the district above mentioned, the sum of Rupees 3,467. 1. 17. 3, being the amount of his remaining neat annual collections from the *haut* or *gunge* aforesaid, after deducting the sum of Rupees 100, the revenue of Government; this payment to commence from the period of the above *gunge* having been resumed, in conformity to the orders of Government of the 11th June above mentioned, provided no part thereof has yet been received. It is to be understood, that the payment of this compensation by the collector in the manner aforesaid, is to continue no longer than until it shall please the Governor General in Council to determine on any other mode of making the same."

Rule passed on the 27th April 1792.

Penalty for persons convicted of exacting unauthorized duties.

XI. Persons exacting taxes or duties of any denomination, contrary to the *sayer* regulations of the 11th June 1790, whether as principals or accessaries, having by the 12th article of the regulations of that date been declared liable to prosecution in the courts of *dewanny adawlut*, the judges of the said courts are required to receive all plaints preferred on account of such exactions, to hear and determine the same within ten days from the date of filing the plaint, or as soon afterwards as the attendance of the necessary evidence may admit, and on proof, to decree a refund of the amount exacted, with damages equal to double the amount, besides all necessary costs incurred by the plaintiff in the prosecution, as well as a heavy fine to Government proportionate to the circumstances of the offender, which decree shall be enforced by them by the process prescribed in other cases, and if the property of the offender, which shall be applied in the first instance to make good the damages and costs adjudged to the party injured, shall be in any instance insufficient to make good the fine to Government, the courts may order the fine

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to be commuted to imprisonment for such period as on consideration of the case may appear to them adequate to the offence.

RULE PASSED ON THE 1ST MAY 1793.

Adjustment of *sayer* deductions and compensations to be left to the revenue officers, subject to the confirmation of the Governor General in Council.

Courts not to take cognizance of any claims respecting deductions or compensations made or to be made.

If the payment of compensations which may have been adjusted are withheld, courts may take cognizance of suits for the recovery of the amount.

Rules regarding such suits.

XII. In the event of any deductions or compensations on account of the abolition of the *sayer* remaining to be adjusted, the adjustment of them is to be left to the collectors under the superintendence of the Board of Revenue, and subject to the final confirmation of the Governor General in Council, under this regulation, and the courts of judicature are not to take cognizance of any claims regarding such deductions or compensations that have been or may remain to be adjusted. But in cases in which the compensation on account of the abolition of the *sayer*, either in lands paying revenue to Government, or exempted from the payment of such revenue, shall have been finally adjusted with the sanction of the Governor General in Council, and payment of the amount which may be due under such adjustment, shall be withheld from the person entitled thereto, the courts of *dewanny adawlut* may take cognizance of any suit that may be preferred to them against the officer withholding the same, for obtaining payment of the amount. If the payment shall have been withheld pursuant to orders from the Governor General in Council, or the Board of Revenue, the judge, previous to proceeding to the trial of the suit, is to forward the petition of the complainant to the Governor General in Council, in the same manner as is directed with regard to the cases specified in Section 11, Regulation III. 1793, that, if it shall appear to him proper so to do, he may afford redress to the party without bringing the suit to a trial. Suits instituted against Government under this section, and which may be brought to a trial, are to be defended by the collector, who is to commit the pleading of the cause to the *vakeel* of Government, and in the event of Government being cast, or of the collector being dissatisfied with the decision, he is to report the circumstances to the Board of Revenue, that an appeal may be preferred against the decision, if deemed advisable.

A. D. 1793. REGULATION XXVIII.

A REGULATION *for prohibiting British Subjects (excepting King's Officers serving under the Presidency of Fort William, and the civil covenanted Servants of the Company, and their military Officers) residing at a greater Distance from Calcutta than ten Miles, unless they render themselves amenable to the Courts of Dewanny Adawlut in civil Suits which may be instituted against them by any of the Descriptions of Persons mentioned in Sectian 7, Regulation III.* 1793, *and for enabling British Subjects to recover any Demands, recoverable under the Regulations, which they may have upon such Persons.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

BRITISH subjects residing in the interior parts of the country for commercial purposes, may recover with facility, and at a moderate expence, their claims upon the natives, or other inhabitants of the Company's territories who are declared amenable to the courts of *dewanny adawlut* in Section 7, Regulation III. 1793, by instituting a suit against them in the court of the *zillah* or city in which they reside. But the natives of the country, and all other persons subject to the jurisdiction of the *dewanny* courts, have no means of obtaining redress against such British subjects, but by suing them in the Supreme Court of Judicature at Calcutta. The manufacturers, therefore, as well as the immediate cultivators of the soil, and the lower orders of the people, with whom such British subjects necessarily have extensive dealings, are in fact precluded from all redress in the event of their being wronged, as it is obviously impracticable for the generality of persons of these descriptions to quit their families and occupations, and perform a journey probably of several hundred miles, to sue for small demands, in a court proceeding and deciding according to laws and in a language, with both of which they are equally unacquainted, and at an expence that the opulent only can support. The extension of commerce and agriculture, and consequently the future prosperity of the country, depending upon due protection and encouragement being afforded to the manufacturers, the cultivators of the soil, and the other classes of the lower and industrious orders of the people; and it being also equitable that British subjects of every description, should be enabled to recover all demands, excepting such as may be declared not recoverable, which they may have upon the natives, or other persons described in Section 7, Regulation III. 1793; the Governor General in Council has enacted the following rules.

British subjects (with certain exceptions) not to be allowed to reside further from Calcutta than ten miles, unless they execute the bond in Section 3.

II. British subjects (excepting King's officers serving under the presidency of Fort William, the civil covenanted servants of the Company, and their military officers) shall not be permitted to reside at a greater distance from Calcutta than ten miles, unless they enter into a bond rendering themselves amenable to the court of *dewanny adawlut* within the jurisdiction of which they may reside, in all civil suits that may be instituted against them by natives, or inhabitants of either of the provinces of Bengal, Behar, or Orissa, coming within the descriptions of persons declared amenable to the *zillah* and city courts by Section 7, Regulation

Regulation III. 1793, for any sum of money, or thing, the amount or value of which shall not exceed five hundred sicca rupees.

From of the bond.

III. The following is the form of the bond to be executed by such British subjects:

KNOW ALL MEN by these presents, that I ————, of ————, but now about to reside at ———— in the *zillah* or district of ———— (or in the city of ————) in the province of ————, am held and firmly bound unto ————, judge of the *dewanny adawlut* of the said *zillah* or district (or city) of ———— in the sum of ———— to be paid to the said ————, his executors, or administrators, for which payment well and truly to be made, I do hereby bind myself, my heirs, executors, and administrators, firmly by these presents, sealed with my seal, dated this ———— day of ———— in the year of our Lord ————.

WHEREAS the Governor General in Council of Fort William in Bengal, acting for and on behalf of the United Company of Merchants of England trading to the East Indies, hath by virtue of certain powers and authority in him vested previous to the date hereof, resolved that no British subject, excepting the officers of and belonging to the army of His Majesty the King of Great Britain, serving under the presidency of Fort William, and the civil covenanted servants of the said United Company, and their military officers, shall reside or take up a temporary or other abode at a greater distance from Calcutta at Fort William aforesaid, than ten English miles standard measurement, unless such British subject shall previous to, or at the commencement of, such abode or residence, execute a bond or obligation in such penalty as the Governor General in Council of Fort William aforesaid for the time being, shall duly direct to the judge of the *dewanny adawlut* for the time being of the *zillah* or district (or city) in which such British subject shall be about to reside, his heirs, executors, or administrators, with condition that such British subject shall and will from time to time, and at all times thenceforward, submit and be amenable to the *dewanny adawlut* or court of civil jurisdiction of such *zillah* or district (or city) in all civil suits that may be instituted against him by any native or other inhabitant (not being a British subject, or resident within the limits of Calcutta) of the provinces within the territorial acquisitions of the said United Company, provided the amount or value of the matter in dispute between the parties in such suit, does not exceed the sum of five hundred sicca rupees; AND whereas the above bounden ———— is a British subject, and hath under and subject to the herein before recited resolution of the Governor General in Council of Fort William aforesaid, obtained permission and license of and from the said Governor General in Council to reside at ———— in the *zillah* or district (or city) of ———— in the province of ————, in consideration whereof, he the said ———— hath agreed to execute and deliver this present bond or obligation.

NOW THE CONDITION of this obligation is such, that if the above bounden ————, his heirs, executors, and administrators, and all and every of them, do and shall from time to time, and at all times hereafter, on his and their parts and behalves, in all things well and truly stand to, obey, abide by, perform, observe, fulfil, keep and satisfy, all and every the order and orders, decree and decrees, judgment and judgments, of the *dewanny adawlut* or court of civil jurisdiction, established by the authority of the said United Company, or of the Governor General in Council of and for the said United Company, in the said *zillah* or district (or city) of ————, in the said province of ————, or of the judge or judges of the said courts for the time being, in all and every suit or suits, action or actions, which now is or are or hereafter shall or may be brought, commenced, instituted, sued, or prosecuted against the said ———— by any native or natives, or other inhabitant or inhabitants (not being a British subject or subjects, or resident within the limits of the town of Calcutta at Fort William aforesaid) of any of the provinces dependant upon, or within the territorial acquisitions of the said United Company, provided the matter in dispute between the parties, or the cause or causes of each and every such suit or suits, action or actions, doth not and shall not respectively at the time of commencing such suit or suits, action or actions, exceed in value the sum of five hundred sicca rupees, or if the said ————, his heirs, executors, and administrators, shall and do, well and

truly stand to, abide by, obey, fulfil, and satisfy, all and every the order and orders, decree or decrees, judgment or judgments, which in case of any appeal of such suit or suits, action or actions, duly and regularly made from the said *dewanny adawlut* to the proper court or courts of appeal, shall be duly and regularly made by such court of appeal as shall finally hear, decide and determine such suit or suits, action or actions, and if the said ————, his heirs, executors, and administrators, or any or either of them, shall not and do not, in and relating to such suit or suits, action or actions, apply for any writ or writs of surcease to issue out of and from the Supreme Court of Judicature at Fort William in Bengal aforesaid, according to the manner and form prescribed and mentioned in the charter or letters patent for establishing the same, then this obligation to be void and of no effect, otherwise to be and remain in full force and virtue.

Signed, sealed, and delivered, (where no stamps are to be had,) in the presence of }

IV. The bond is to be executed in open court, before the judge of the court, within the jurisdiction of which such British subject may reside, or take up his abode, unless the court shall have been adjourned, in which case it is to be executed before the judge out of court. The bond is to be deposited amongst the records of the court.

Where the bond is to be executed, and deposited.

V. If any such British subject residing within the jurisdiction of a *zillah* or city court, who may have executed the bond contained in Section 3, shall hereafter remove into the jurisdiction of any other *zillah* or city court, to any place being at a greater distance from Calcutta than ten miles, he shall execute a new bond to the same effect, which shall be deposited in the *dewanny adawlut* of the *zillah* or city in which he may so take up his abode. And all such British subjects, whether they may have previously executed the bond in Section 3, or not, upon proceeding to any place within the jurisdiction of a *zillah* or city court, and being at a greater distance from Calcutta than ten miles, with a view to reside there, shall within ten days after their arrival in such jurisdiction, attend before the judge of the court to execute the prescribed bond; and in default of their so attending, the judge shall summon them to appear for that purpose, by a writing under the seal of the court, and attested by the register.

New bond to be executed when any such British subject shall remove into another jurisdiction.

British subjects, whether they have previously executed the bond or not, taking up their residence at a greater distance from Calcutta than ten miles, to attend before the judge in ten days to execute the bond. Court to summon them if they do not attend.

VI. If any such British subject, now residing, or who shall hereafter take up his abode, within the jurisdiction of any *zillah* or city court, at a greater distance from Calcutta than ten miles, shall refuse to attend before the judge and to execute the prescribed bond, the judge is to require him by a written order under his official signature and the seal of the court, to quit his jurisdiction within one month from the date of the order, and repair to Calcutta; and in the event of his not complying with the order, the judge is to send him to Calcutta, under the charge of his officers.

Judges of the *zillah* and city courts to compel such British subjects refusing to execute the bond to proceed to Calcutta.

VII. When any British subject, or other person who may not come within the descriptions of persons declared amenable to the jurisdiction of the *zillah* and city courts by Section 7, Regulation III. 1793, shall institute a suit in the *dewanny adawlut* of any *zillah* or city court on his own private account, or on behalf of any other person against a person amenable thereto, he is to execute an instrument in the nature of a bond of arbitration, according to the form hereafter recited, declaring himself subject to the jurisdiction of the court, for so much as shall relate to the suit in question, and bind himself to abide by the award or decree of the court, in the same manner, and to the same extent, as the jurisdiction of the court is valid against the defendant. If such plaintiff shall refuse to execute the instrument, his plaint shall not be received or filed.

Bond to be executed by persons not amenable to the *zillah* and city courts, who may institute a suit in those courts against any person amenable to their jurisdiction.

* *KNOW ALL MEN by these presents, that I* ————, *of* ————, *am held and firmly bound unto* ————, *of* ————, *esquire, judge of the* dewanny adawlut *of the* ———— *in the province of* ————, *in the sum of* ————, *to be paid to the said* ————, *his executors, administrators, or assigns, for which payment well and truly to be made, I do hereby bind*

* This bond is altered by Section 2, Regulation XI. 1797.

myself,

myself, my heirs, executors, and administrators, firmly by these presents, sealed with my seal, dated this ———— *day of* ————, *in the year of Christ one thousand seven hundred and* ————.

WHEREAS the above bounden ———— *hath on the day of the date hereof, commenced an action, cause, or suit, in the said* dewanny adawlut *before the said* ———— *against* ————.

NOW THE CONDITION of this obligation is such, that if the said ————, *his heirs, executors, and administrators, and every of them, do and shall on his and their parts and behalves, in all things well and truly stand to, obey, abide, observe, perform, and fulfil, all such final judgment and judgments, order and orders, decree and decrees, as shall or may be at any time given in the said action, cause, or suit, in the said court of* dewanny adawlut *at* ———— *(and confirmed on appeal if the same suit or cause shall be appealed) then this obligation to be void, or else to remain in full force and virtue.*

Sealed and delivered, (where no stamps are in use or to be had,) in the presence of

All Europeans not British subjects, and residing out of Calcutta, are amenable to the courts of *dewanny adawlut.*

VIII. Europeans, not British subjects, and residing out of the limits of Calcutta, are amenable to the courts of *dewanny adawlut*, in the same manner as natives or other inhabitants coming within the descriptions of persons specified in Section 7, Regulation III. 1793.

A. D. 1793. REGULATION XXIX*.

A REGULATION *for re-enacting, with Alterations and Amendments, the Rules passed on the* 10*th of December* 1788, *and subsequent Dates, for the Conduct of the Salt Agents, and all Persons employed or concerned in the Provision of Salt on account of Government.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

GOVERNMENT *having thought it proper to reserve to itself the exclusive privilege of manufacturing salt as a source of public revenue, the nature and extent of the business require, that rules should be prescribed for preventing persons employed in the manufacture, embezzling the money advanced to them, and for ensuring the due performance of their engagements. It is equally essential, that provision should be made for deterring the officers and others employed in the superintendence of the manufacture, from compelling persons to engage in it, or oppressing those who may have voluntarily executed agreements, or entered into the employ of the public. As the most effectual mode of guarding against such abuses, and of ensuring justice to the salt-workers, and others employed in the manufacture, in their dealings with the public; the Governor General in Council has determined, that the rules to which persons engaging in the salt manufacture may be subject, shall be incorporated with the laws and regulations for the internal government of the country, and that the agents and officers employed in the immediate superintendence of the manufacture, shall be liable to be sued for any deviation from those rules in the courts of judicature, that every person who may deem himself aggrieved by their official acts, whether originating with themselves, or done in consequence of orders from the superior authorities, may be able to obtain redress with the same facility, as for an injury received from an individual. The following rules, being the rules passed by the Governor General in Council on the* 10*th December* 1788, *and subsequent dates, with alterations and amendments, and adapted to the principles above stated, have been accordingly enacted.*

Oath to be taken by the agents.

II. The persons who may be appointed agents for the provision of salt on account of Government, previous to entering on the execution of the duties of their office, shall take and subscribe the following oath before the Governor General in Council, or any person whom he may commission to administer it.

"*I A. B. swear, that I will render true and faithful accounts of the sums which may be advanced to me as agent for superintending the provision of salt to be manufactured on account of the Company, in the division of* ————, *and of the produce, whenever required by the Governor General in Council; and that I will not at any time, either during my agency or afterwards, have any concern in salt, nor derive any profit from my agency besides my commission, and the salary which has been allowed to me by the Governor General in Council, nor knowingly suffer my dependants to derive any profits but such as are allowed. So* HELP ME GOD."

* This entire regulation is rescinded by Sect. 2, Regulation X. 1819.

No person to be compelled to engage in the salt manufacture.

Persons having engaged, not to be obliged to re-engage.

III. No person shall be compelled under any pretence whatever, to engage in the provision, manufacture, or transportation of salt, either as a contractor, or a labourer, or in any other capacity; and all persons who may engage in the provision, manufacture, or transportation of salt, and may not choose to re engage, shall be at liberty to relinquish the employment, after performing the engagements into which they may have entered, and to follow any other occupation they may think proper, without hindrance or molestation.

Penalty for salt agents compelling persons to engage in the manufacture.

IV. If a salt agent shall compel, or use any means, or cause any of his officers or others, to compel any molungee, byoparee, *or other person, to receive advances, or to contract for or engage in the provision, manufacture, or transportation of salt, the judge of the* dewanny adawlut, *on proof of the charge to his satisfaction, shall adjudge the contract or engagement null and void, and direct the complainant to be discharged, and cause the advances, if any should have been made, to be returned by him, and award such costs and damages against the agent as may appear to him equitable. The agent so offending, shall moreover be liable to be dismissed from his office by the Governor General in Council.*

Penalty for assistants or any head officers of an aurung *using compulsion.*

V. First. *If the assistant to a salt agent, whether a covenanted servant of the Company, or a European not in the Company's service, or any head native officer of an* aurung *or place of manufacture, empowered to redress complaints as hereafter directed, shall compel, or use any means, or cause any of his officers or others, to compel any* molungee, *labourer, or other person to receive advances, or to contract for or engage in the provision, manufacture, or transportation of salt, he shall on conviction before the agent, or before the* dewanny adawlut, *stand dismissed from his office, and shall be made to pay to the complainant a sum equal to the amount of the whole of the advances which he would have been entitled to receive, had he voluntarily entered into the contract, or engagement, with any further compensation to which he may appear entitled, and the complainant shall be immediately discharged, and any advances that he may have received, shall be taken back from him.*

Assistants and head officers responsible for compulsion used by those under them.

Exceptions.

Second. *Assistants, and head officers of* aurungs, *empowered to redress complaints, shall be held responsible for any compulsion that may be used for the purposes specified in the preceding clause, by the* gomastahs, peons, *or other officers subject to their authority, unless it shall appear that it was had recourse to without their knowledge or connivance, and that they redressed the injury immediately on being apprized of it. Where persons subject to the authority of such assistant or head officer, shall be convicted of using such compulsion without his knowledge or connivance, the court, or the agent, or the officer before whom they may be convicted, shall pass the same decision as is directed to be given in the preceding clause, in cases in which the head officers of* aurungs *may be convicted of using compulsion.*

Penalty for contractors, byoparrees, *and* molungees *using compulsion.*

VI. If any contractor, byoparee, *or* molungee, *having received advances or entered into engagements for the provision of salt, shall be convicted before the* dewanny adawlut, *or the agent, or any of his officers empowered to redress complaints, of compelling directly or indirectly, any labourer, or other person to receive advances, or to engage in the manufacture; the court, or the agent, or the officer so empowered, is to give the same judgment, with the exception of dismission from office, as is directed to be passed in the cases specified in clause second of the preceding section. And that no contractor,* byoparee, *or* molungee, *may plead ignorance of the above rule, a clause to the effect thereof shall be inserted in their contracts.*

Contracts for salt to be made in writing, and attested by at least two witnesses.

Security to be taken for the due performance of contracts in all practicable cases.

VII. All contracts and engagements entered into with byoparries, molungees, *or others, for the provision of a specific quantity of salt, are to be made in writing, attested by at least two creditable witnesses, and are to be signed by the agent, or any of his officers whom he may empower to sign them, and one copy of them is to remain with the agent or his officer, and the other is to be delivered to the party contracted or engaged with. In all practicable cases, security shall be taken for the performance of such contracts and engagements, and the contractor shall have the option of delivering the salt, either by weight or measure, the mode of delivery being specified in his contract.*

VIII. When advances are made to contractors or others, the money shall be counted and examined by them, or the persons appointed on their part to receive the money, previous to their signing the receipts, and the agents shall be careful that the money is of proper weight; and in contracts, the periods for making the advances shall be specified, and the advances made accordingly.

Money advanced to be of proper weight, and to be examined and counted by the receivers.

IX. Where it is customary to enter into contracts with byoparees *or others, for the provision of a specific quantity of salt, and to leave the contractor to engage the necessary number of salt-workers, or labourers, and to make the advances to them, the agent and his officers are prohibited from deputing* peons, *or other persons, to assist the contractors, in collecting salt-workers or labourers, but are to leave the contractors to hire persons willing to enter into their employ. Where it is customary for the agent to procure the salt-workers or labourers for the contractor, he shall not depute* peons *or other persons with the contractors to collect the salt-workers or labourers, or leave the contractors to make the advances to them, but shall himself, or by means of his officers, hire the requisite number of salt-workers or labourers, and cause the money to be advanced to them in the public* cutcherree *in his own presence, or in the presence of his officers appointed for the purpose, and shall take or cause to be taken receipts for the money so advanced to the salt workers or labourers, under their signature or mark, and attested by at least two creditable witnesses. This rule with regard to advances to labourers, is to be observed in cases where no contracts may be made, and where the salt may be deliverable by the salt-workers or labourers, immediately to the officers of the agent.*

How advances are to be made to salt-workers or labourers, in cases of contract where the agent is, or is not, bound to procure them, and in cases where the salt is delivered by the manufacturer to the officers of the agent.

X. Labourers or salt-workers shall not be considered to have engaged to work in the manufacture, until they have received money as advances, and given a receipt for the amount.

Labourers or salt-workers not to be considered as having engaged, until they have received advances and signed receipts.

XI. To prevent persons who may voluntarily receive advances, and give a receipt for the amount, afterwards declaring that they were compelled to receive the advances in order to get released from their engagement; the courts, in the event of any complaint being made to them by a labourer or other person that he was compelled to receive advances, are directed, excepting in cases in which they may have full and satisfactory evidence before them that compulsion was used, to consider the receipt as evidence prima facie, *of the advances having been voluntarily received, and they shall not release the complainant from his engagements, or prevent his proceeding to the place of manufacture, should he not have proceeded there, nor bring him from thence, should he have repaired thither, until they shall have completed the trial of the complaint, and shall be satisfied that the engagement was compulsive, and repugnant to this regulation. The agents are to apply this rule in similar complaints that may be preferred to them.*

Rules for preventing persons who may voluntarily receive advances, afterwards returning them under the pretext of their having been compelled to receive them.

XII. Overseers, gomastahs, peons, *and all officers in the employ of the agent, are prohibited from taking or receiving any* tullubanah, *gratuity, perquisite, or allowance, either in money or effects, under any pretence whatever, from any* molungee, byoparee, *contractor, labourer, or other person employed or concerned in the provision, manufacture, or transportation of salt; and if any of the above descriptions of persons under the authority of the agent, being a native, shall be convicted of disobedience to this injunction, he shall be compelled to pay four times the amount so taken or received to the party injured, and be dismissed from his office, and if he be an European, he shall be made to pay the above sum to the injured party, and be immediately dismissed, and sent to Calcutta.*

Penalty for officers of the agent guilty of exactions.

XIII. The abuses which heretofore existed in the salt manufacture, having originated chiefly in the number of intermediate persons employed between Government and the manufacturers, the agents are required, in all practicable cases, to conclude engagements for the provision of salt with the persons by whom it is actually manufactured.

In all practicable cases, engagements to be concluded with the immediate manufacturers.

XIV. The agents shall occasionally depute creditable persons for the purpose of inspecting the different places of manufacture during the boiling season, and report the condition of the labourers, and any ill treatment they may have experienced, in order that immediate relief may be afforded to them, with such further redress, either during or after the expiration of the season, as they may be entitled to, and the agents are enjoined to redress all complaints that may be transmitted to them by the persons so deputed.

Agents to depute persons in the boiling seasons to afford relief to the labourers where necessary.

Penalties for native officers convicted of the offences herein specified.

XV. Native officers employed under the agents, who may be convicted of disposing, or conniving at the disposal, of the salt manufactured on account of the Company, to others, or of making salt for themselves, or conniving at any other person making salt on their private account, embezzling the Company's salt, or property, entrusted to them, or of writing false balances in their accounts, shall, on conviction in the dewanny adawlut, *forfeit double the value of the salt so made, or the property so embezzled, or of the amount of the balances so alienated, in addition to the costs of suit, and be further liable to imprisonment for such term as to the court may seem proper, not exceeding twelve months; and upon the circumstances being represented by the Board of Trade to the Governor General in Council, he will, if it shall appear to him proper, declare the offender incapable of serving Government in any capacity.*

No persons to use means to prevent individuals engaging in the salt manufacture.

XVI. All officers of Government, proprietors and farmers of land, talookdars, *and under-farmers, and* ryots, *and their officers, agents and dependants, are required not to hinder the salt agents or their officers, from access to* molungees, *or other persons, in order to treat with them respecting the business of the manufacture, nor are they to use any arts, menaces, or punishment, to deter persons from accepting advances, under pain of being liable to be sued for damages in the* dewanny adawlut.

No person to behave with disrespect to the salt agents or officers.

Nor to impede the manufacture, but to assist it to the utmost of their power.

XVII. All officers of Government, proprietors and farmers of land, talookdars, *under-farmers, and* ryots, *and their officers, agents, and dependants, are strictly enjoined not to behave with disrespect to the salt agents, or their officers, nor in any wise to throw obstructions in the way of the manufacture; and they are required, on application from the agent, or any of his officers, to afford every assistance in their power towards promoting the manufacture, which may be consistent with the authority vested in them, and the Regulations.*

Persons employed in the salt manufacture, renting or cultivating lands, subject to the same rules as other renters or cultivators.

Exception.

XVIII. Persons actually employed in the salt manufacture who cultivate or rent lands, are to pay according to their pottahs *or engagements, in the same manner as other* ryots *or renters, and under the same rules and regulations, with the exceptions specified in Sections* 19 *and* 21, *as to the mode of demanding and enforcing payment of arrears during the manufacturing season, which is to be considered as commencing on the first day of* Kautic, *and ending on the last day of* Assar.

Rules for the recovery of arrears of rent from persons employed in the manufacture.

XIX. First. *To prevent unnecessary interruption to the manufacture, and at the same time that persons employed in it may not withhold the rents justly due from them for lands which they may rent or cultivate, the following rules are prescribed.*

Not to be summoned during the manufacturing season.

Second. *From the beginning of* Kautic *to the end of* Assar, *no person under engagements and employed in the salt manufacture, shall be summoned to the* cutcherree *of any proprietor or farmer of land, or any native holding or entrusted with the collection of the rents or revenue of lands, under any pretence whatever. If any such proprietors, farmers, or natives, shall have a claim for or relating to rent on any persons so engaged and employed, and shall be desirous of enforcing it during the period above mentioned, they shall either distrain for the amount under Regulation XVII.* 1793, *or sue the stated defaulter for it in the* dewanny adawlut, *or state their claim in writing to the agent, who, if he shall deem it expedient so to do, shall cause the stated defaulter to satisfy the claim, or satisfy it himself, and stop the amount by* kistbundy *from his future advances, so that his labour on account of the manufacture may not be interrupted. If the claimant shall prefer applying in the first instance to the agent, and he shall not afford satisfaction for the claim, the claimant must distrain or commence a civil prosecution as above pointed out; but in the event of the claimant having recourse to distraint, the salt, advances, or implements belonging to the Company, in the hands of the defaulter, shall not be liable for the claim.*

Demand to be enforced by distraint, suit, or application to the agent.

Salt, advances, or implements of the Company not liable for the arrears.

Persons instituting suits against individuals employed in the salt manufacture to specify their being so employed.

Summons to be served immediately on the defendant during Sawun, Bhadoon, *and* Assin.

Summons to be served

XX. First. *Persons instituting suits in the* dewanny adawlut, *against any of the officers of the agents or any individuals under engagements on account of the salt manufacture, and employed therein, are to specify their being so engaged and employed. If the summons is to be served during the months of* Sawun, Bhadoon, *and* Assin, *it shall be served on the defendant in the same manner as on other defendants not employed in the salt manufacture. If the summons is to be served between the commencement of* Kautic *and the end of* Assaar, *the summons, with a copy of the complaint, shall be enclosed in a*

sealed cover addressed to the agent, and superscribed with the official signature of the judge or register. It shall be at the option of the agent to execute, or to cause one of his officers, or any other person whom he may think proper to, execute the security required from defendants by Section 5, Regulation IV. 1793, and also the security directed by Section 9, Regulation VII. 1793, for the fees of the authorized vakeel *whom he may entertain, or to leave the party summoned to find the required security, and in the latter case, and in the event of the summons being committed to an officer of the court, if the officer shall entertain doubts of the responsibility of the security so offered, and the agent shall declare it to be responsible, the officer shall accept the security. If the agent shall not deem it expedient to order any of his officers, or any other person to become security, and the defendant himself shall not be able to find a security whom the agent may deem responsible, the agent is to cause the party summoned to accompany the officer of the court to the court, or, if the summons shall not have been committed to the charge of an officer, he shall cause him to be conveyed before the court.*

through the agents during the manufacturing season, who may himself become security, or order any other person to become security.

Case in which the defendant is to accompany the officer to the court.

Second. *The salt agents are to empower their respective assistants, whether covenanted servants of the Company, or Europeans not in the Company's service, and the head officer of each of the principal* aurungs *or places of manufacture, and also an authorized* vakeel *of the* dewanny adawlut, *or any other person whom the agents may think it proper to station at the place at which the court may be held, to execute the securities specified in the preceding clause for persons employed in the salt manufacture, and also to redress complaints that may be preferred to them by* molungees, *labourers, or others working under their respective* aurungs, *against their subordinate officers, or any* molungees *or persons employed in the salt manufacture, on account of matters relating to the manufacture, but no other. The agents are to be careful to keep the judge furnished with a list of the persons so empowered, specifying also the place at which they may usually reside, and the judges are authorized, in instances in which they may deem it proper, either from the distance of the place of abode of the agent, from the place at which the person to be summoned may reside, or other circumstances, to order the summons to be enclosed to one of the persons so empowered to become security, instead of transmitting it to the agent himself under the preceding clause, in which case, such person shall proceed in the manner prescribed to the agent where the summons may be sent immediately to him.*

Agent may likewise empower the persons herein specified to execute securities, and to redress complaints in matters relating to the manufacture.

Judge to be furnished with a list of such persons, and their places of abode.

Judges may send the summonses to the persons so empowered, instead of the agent.

Third. *If a suit shall be preferred in the* dewanny adawlut *against any of the officers of the agents, or any person under engagements on account of the salt manufacture, and employed therein, without specifying that he is so engaged and employed, and a summons shall in consequence be ordered to be served on him in the same manner as on other defendants, between the commencement of* Kautic *and the end of* Assaar, *the officer serving the summons, on the circumstance of the defendant being so employed, being notified to him by the agent, or any of his officers, or by the defendant himself, shall deliver the summons to the nearest person empowered to execute securities, whether the agent, or his assistant, or the head officer of an* aurung, *who shall proceed in the manner prescribed to the agent in clause first. If the officer shall receive the notification of the defendant being employed in the manufacture, from the defendant only, and shall entertain doubts of his being so employed, or if he shall not entertain any such doubts, but shall apprehend that he will abscond whilst he (the officer) is repairing with the summons to the person empowered to execute the securities, he shall in such case carry the defendant with the summons to the persons so empowered, and shall not release his person until the required securities have been executed.*

How summonses are to be executed, where the plaintiff shall not specify that the defendant is employed in the salt manufacture, and the summons shall be issued in the same manner as to other defendants.

Fourth. *In cases in which a person under engagements on account of the salt manufacture, and employed therein, shall be charged before the magistrate with a bailable offence, and the warrant shall be ordered to be served at any period between the commencement of the month of* Kautic *and the end of* Assaar, *the warrant shall be served in the manner directed in the preceding clauses with regard to summonses in civil cases, with this difference, that the warrant shall require the party summoned to appear in person or by* vakeel, *as the magistrate may think proper, either during or after the manufacturing season, and specify the sum for which the security or recognizance for the appearance of the defendant is to be given, the amount of which shall be regulated by the magistrate according*

How warrants for bailable offences against persons employed in the salt manufacture, are to be served during the manufacturing season.

according to the nature of the offence, and the situation and circumstances in life of the defendant.

Return to be made on the back of summonses and warrants served as above directed.

Fifth. *In all the cases specified in the preceding clauses of this section, the agent, or his assistant, or head officer, through whom the summons or warrant may be served, shall return on the back of it, in what manner it has been served, and by whom the security has been executed.*

Warrants for offences not bailable how to be executed on persons employed in the salt manufacture.

Sixth. *If a charge shall be preferred to a magistrate against any of the officers of the agents, or any person under engagements on account of the salt manufacture, and employed therein, for an offence that is not bailable, and there shall appear to the magistrate sufficient ground for apprehending the person so charged, the warrant for his apprehension shall require him to appear immediately in person, and shall be executed at all times in the same manner as upon persons not so engaged or employed. But the officer, after securing the offender, is to give notice thereof to the agent or the head officer of the nearest* aurung, *or place of manufacture.*

Darogahs *of police to observe the rules in clauses fourth and sixth.*

Seventh. *The* darogahs *of police are to observe the rules prescribed in clauses fourth and sixth of this section, in all complaints that may be preferred to them against* molungees, *labourers, or other persons in the employ of the Company.*

Agents and their officers to be responsible for the performance of the conditions of the securities they may execute or approve.

Eighth. *In all cases, in which the agents, or their head officers empowered for that purpose, shall become security under any of the clauses of this section, for the appearance of any officer or person employed in the salt manufacture, or for the fees of* vakeels, *or shall declare any person whom the party summoned may offer as security, to be responsible, the agent is to be considered personally answerable for the due performance of the conditions of the security, in the event of the party for whom the security may be given not performing them himself, or, where the party himself shall have given the security, and it shall have been declared responsible by the agent or his officers, in the event of the party or such surety not performing them. It will accordingly be the business of the agents to take care to employ creditable persons only as head officers to superintend the business of the* aurungs, *and to become security and redress complaints, and to furnish them with proper instructions, and to take such security from them as they (the agents) may deem sufficient to indemnify themselves for the consequences that may result from any abuse which such officers may commit in the exercise of their trust.*

How summonses on persons employed in the salt manufacture are to be executed, when required as witnesses.

Ninth. *Summonses to officers or other persons employed in the salt manufacture, to appear as witnesses, shall be served during the manufacturing season, in the same manner as if they were parties in the cause; but the judges are to be careful not to summon such officers or persons excepting when their attendance shall be necessary, and on their appearance, to have them examined and dismissed with all practicable dispatch, so that they may be absent from the business of the manufacture as short a time as possible.*

Agents and their officers forbidden to apply the above rules to persons not employed in the salt manufacture.

Tenth. *The agents, and their European and native officers, are declared liable to be sued in the* dewanny adawlut, *should they apply any of the rules in the preceding clauses of this section regarding summonses and warrants issued against persons employed in the manufacture of salt, to persons not* bona fide *so employed. And as the rules contained in those clauses, are intended only to prevent unnecessary interruption to the manufacture, where it can be avoided without impeding the course of justice; the judges and magistrates are empowered in particular cases in which it may appear to them indispensably necessary for the purposes of justice, to order the personal attendance of any native officer or person in any wise concerned or employed in the salt manufacture, whether he may be a party or a witness in the suit, or prosecution, at any time during the manufacturing season, notwithstanding any thing that may be said to the contrary in those clauses, and to cause process to be executed upon him for that purpose, in the same manner as upon other individuals; but in such cases, the judges and magistrates are to record on their proceedings their reasons for deviating from the prescriptions contained in the said clauses, which are to be considered as the general rules for issuing and executing such summonses and warrants, and in the summons or warrant, they are to specify that it has been specially ordered to be so executed, in virtue of the discretionary power vested in them*

Discretionary power vested in the judges and magistrates of causing the immediate attendance of all natives employed in the salt manufacture, at any period.

Restrictions under which this discretionary power is to be exercised.

them by this clause, and they are moreover strictly enjoined to refrain from every unnecessary exercise of that power.

How decrees against natives employed in the salt manufacture are to be enforced.

XXI. If a decree shall be passed against a native officer, or any person under engagements on account of the salt manufacture, and actually employed in it, and the court shall order the decree to be enforced at any time between the commencement of Kautic *and the end of* Assaar, *recourse may be had to his property, but his person shall not be attached or molested during that period. At the close, however, of the manufacturing season, the agent shall be responsible for his appearing before the court, if required; but the salt, or the advances, or any implements belonging to the Company, which may be in his hands, shall not be liable for the decree. But during* Sawun, Bhadoon, *and* Assin, *and also in the manufacturing season, if the salt agent shall signify to the judge through an authorized* vakeel *of the court, that their attendance is not required in the business of the manufacture, the persons of all such individuals so employed, shall be equally amenable with their property for decrees.*

Agents and all officers amenable to the courts of judicature for official acts done in breach of any regulation published as directed in Regulation XLI. 1793.

XXII. First. *The salt agents, and their assistants, whether covenanted servants of the Company, or Europeans not in the Company's service, and their native officers and agents are declared liable to be sued in the* dewanny adawlut *for any breach of this regulation, or any other regulation that may be passed and printed in the manner directed in Regulation XLI.* 1793, *but under the rules and restrictions prescribed in the following clauses of this section.*

During the manufacturing season, molungees, *and others, to apply in the first instance to the agent for redress, if they shall deem themselves aggrieved by him.*

Second. *During the manufacturing season, if any* molungee, *or a labourer, or any other person, who may be employed in the salt manufacture, shall deem himself aggrieved by any act or order of the agent himself, he shall in the first instance state his complaint in person or by* vakeel *to the agent, and in the event of the agent refusing to afford him the required redress, or of his omitting to grant it within a reasonable time, the complainant shall be at liberty to sue him in the* dewanny adawlut.

How molungees, *&c. are to obtain redress in the boiling season against the head officers of the* aurungs.

Third. *During the manufacturing season, if a* molungee, *or a labourer, or any other person who may be employed in the salt manufacture, shall deem himself aggrieved by any act of the assistant to the agent, or the head officer of an* aurung *or place of manufacture vested with the power of becoming security, and redressing complaints, he shall in the first instance state his complaint in person or by* vakeel *to the agent, or the officer from whom he may have sustained the injury. If he shall first apply to such officer, and he shall refuse to afford him the required redress, or omit to grant it within a reasonable time, he shall have recourse to the agent; and if he shall in like manner omit or refuse to give redress, the complainant shall be at liberty to sue the officer from whom he may have sustained the injury, or the agent, in the* dewanny adawlut, *and the court shall hold the officer or the agent responsible accordingly.*

How molungees, *&c. are to obtain redress in the boiling season against any persons under the authority of the head officers of the* aurungs.

Fourth. *During the manufacturing season, if any* molungee, *or labourer, or other person, who may be employed in the salt manufacture, shall deem himself aggrieved by any native officer subordinate to the head officer of the* aurung *under which he may work, or by any contractor,* byoparee, *or* molungee, *he shall in the first instance apply for redress in person or by* vakeel, *to the agent or his assistant, or to the head officer of the* aurung; *and in the event of his applying first to the assistant or head officer, and being refused redress, or not obtaining it in a reasonable time, he shall have recourse to the agent, and if he shall in like manner omit or refuse to give redress, the complainant may sue either the party from whom he may have sustained the injury, or the agent or officer to whom he may have applied for redress, in the* dewanny adawlut, *and in the event of his suing the agent or such officer, the court shall consider him responsible, in the event of the plaintiff establishing his complaint, in the same manner as if the complainant had received the injury immediately from him.*

Courts not to receive complaints in the cases specified in the three preceding clauses, unless satisfied that the required previous application for redress has been made.

Fifth. *In the cases specified in the three preceding clauses, the courts are not to receive the suit of the complainant, unless he shall prove, either by oath, or in any other mode which the court may deem satisfactory, that he made the previous application for redress to the agent, as directed in those clauses.*

Sixth.

Complainants not to quit their work to prosecute complaints in the cases above specified, but to employ vakeels.

Exception.

Sixth. *In the several cases specified in clauses second, third, and fourth, of this section, the complainant, if the engagements which he may have entered into on account of the manufacture be not completed, shall not quit the place of manufacture to prosecute his complaint in person, without the permission of the head officer of the* aurung *under which he may work, or of the agent, or his assistant, but shall employ a* vakeel *for that purpose, unless he shall offer to substitute a person to perform his work in his room, and the agent, or his assistant, or the head officer of the* aurung, *shall be of opinion that the work will be equally well performed by the person so offered to be substituted, in which case the agent, or his assistant, or officer, shall permit the complainant to depart.*

Agents may take upon themselves redress of complaints made to their officers.

Seventh. *Agents may take upon themselves the redress of complaints depending before their assistants, or head officers empowered to redress complaints, and they may also set aside, or alter, the awards on any complaints that may have been given by their assistants, or head officers, and give such award as may appear to them equitable.*

Persons dissatisfied with the awards of the agents may appeal to the dewanny adawlut.

Eighth. *Complainants or persons complained against, who may be dissatisfied with the awards of the agents, or their assistants, or head officers, may appeal therefrom to the* dewanny adawlut, *and the appeal shall be admitted, provided it be preferred to the court before the commencement of the ensuing manufacturing season, or it may be admitted after that period, if the party appealing can show to the court satisfactory cause for not having preferred the appeal within the limited time.*

Agents may undertake the defence of any suits instituted in the adawlut *against their officers.*

Ninth. *The agents are authorized, in cases in which they may deem it advisable so to do, to undertake the defence of any suit that may be instituted in the* dewanny adawlut *against their assistants or any of their officers, or other persons employed by them in the business of the manufacture, but in such cases the agent himself is to be considered as responsible for the decree of the court.*

In Sawun, Bhadoon, and Assin, any person employed in the salt department may sue the agent or any of his officers or others in the adawlut *without making any previous application whatever for redress, or, they may make previous application for redress as directed in this section in the manufacturing season.*

Tenth. *During the months of* Sawun, Bhadoon, *and* Assin, molungees, *labourers, and all other persons having entered into engagements on account of the salt manufacture, or having been employed in it, who may consider themselves aggrieved by any acts done by the agent, or his assistant, or any of his officers, or other persons employed by him, in breach of this regulation, or any other regulation printed and published in the manner directed in Regulation XLI.* 1793, *are declared to have the option of suing either in person or by* vakeel, *the party from whom they may have sustained the injury in the* dewanny adawlut, *without preferring the previous application for redress, directed in the preceding clauses of this section to be made during the manufacturing season, or they may pursue the mode of redress pointed out in those clauses, and the parties bound thereby to give redress, shall afford it in the same manner as if application had been made to them for that purpose during the said season; and further, with a view to ensure to the* molungees, *labourers, and other persons engaged in the manufacture, speedy redress of injuries they may sustain, the courts are required, in cases in which they may prefer the former mode of applying for redress pointed out in this clause, to bring the suits to a termination as expeditiously as possible, by trying them in preference to other suits.*

How process of the courts to salt agents and their assistants is to be served on them.

XXIII. When any process or order shall be issued by the courts of civil judicature, or the magistrates, to a salt agent or his assistant, the judge, or the register to the court, is to forward it under a sealed cover, addressed to the agent or assistant, and superscribed with his official attestation The agent or his assistant is immediately to acknowledge the receipt of the order, or process, by an endorsement to that effect on the back of it, and is to return it under a sealed cover addressed to the judge or register.

In suits of a personal nature, instituted against salt agents and their officers, they are to appoint vakeels, *and defend the suit at their own risk.*

XXIV. In cases in which suits may be instituted in the dewanny adawlut *against an agent or his assistant, or the head officer of an* aurung, *for a breach of this regulation, or any other regulation, printed and published in the manner directed in Regulation XLI.* 1793; *and where the act complained of shall not have been done pursuant to special orders from the Board of Trade, or the Governor General in Council; the agent, or his assistant, or officer who may be prosecuted, is to appoint an authorized* vakeel *of the court to defend the suit at his own risk.*

XXV. In cases in which the agents, or their assistants, or any of the head officers of the aurungs, *may be sued for an official act done in pursuance of the orders of the Governor General in Council, or of the Board of Trade, or in cases in which they may be ordered by either of those authorities, to defend or prosecute a suit, the prosecution or defence shall be carried on at the expence of Government, either by the* vakeel *of Government, or any other authorized* vakeel *of the court, as the Board of Trade or the agent may deem proper, notwithstanding any thing that may be said to the contrary in any regulation passed on this date.*

Where suit agents, or their officers may be engaged in suits pursuant to orders from the superior authorities, they are to be carried on at the public expence.

XXVI. If the Board of Trade shall approve, either wholly or in part, of a decision given against an agent or his assistant, or any of his head officers, in suits of the description of those specified in Section 24, they are empowered to make the person against whom the decision may be given, or the act complained of may have been done, responsible for the whole or any part of the costs and damages awarded by the decree, or of the decree itself, if upon a consideration of the merits of the case, and of the conduct of the person against whom the decree may be given, or by whom the act complained of may have been done, they shall be of opinion that Government ought not to be charged with all or any part of such costs or damages, or of the amount decreed But in such cases, the person whom the Board may so hold responsible, shall be at liberty to appeal the cause at his own risk.

Cases in which the Board of Trade may make agents, or their officers responsible for the whole or any part of costs or damages, or decrees of the courts.

XXVII. If the Board of Trade shall be dissatisfied with any decree passed against an agent, or his assistant, or any of his officers, either in suits of the description of those specified in Sections 24, or 25, they may authorize an appeal from it under the regulations, in which case, the appeal shall be carried on in the provincial court, and in the Sudder Dewanny Adawlut (should the cause be carried to the last mentioned court) by the vakeel *of Government, or by any other authorized* vakeel *of the court into which the cause may be brought, notwithstanding any thing that may be said to the contrary in any regulation passed on this date.*

Board of Trade may authorize an appeal from any decision passed against the agents or their officers.

XXVIII. Security is not to be demanded from the agents, or their assistants, nor from the head officers of aurungs, *whom they may empower to become security, and redress complaints, for their personal appearance in any suit in which they may be engaged in their official capacity, nor for the payment of costs or damages, or for the performance of the decrees or orders of the court. The Governor General in Council will be responsible that the agents, and their assistants who may be covenanted servants of the Company, shall answer the suits that may be instituted against them, and fulfil the decrees of the courts; and he will hold the agents answerable, that their European assistants who may not be in the service of the Company, shall appear to answer suits preferred against them, and make good the decrees that may be passed against them. With regard to the native officers subordinate to the head officers of the* aurungs, *and all other persons employed in the manufacture, security must be taken from them, and the decrees passed against them enforced, in the manner directed in Sections 20, and 21.*

Security not to be demanded from agents, or their assistants, or head officers of aurungs, *for costs or damages, or the performance of decrees of the court.*

XXIX. The agents, their assistants, and head officers of aurungs, *shall not be liable to prosecution for any official acts of their predecessors. But persons who may be removed from an agency, or an assistantship, or the appointment of head officer of an* aurung, *are to carry on, in the same manner as if they had continued in the office, all suits instituted against them in their official capacity, unless the Board of Trade, upon a consideration of the circumstances of the cases, shall deem it advisable to order the agent for the time being, to carry on the suits. This rule however is not to extend to suits in which an agent, or an assistant, or head officer of an* aurung, *who may have been removed, shall have been engaged in virtue of orders from the Board of Trade, or the Governor General in Council. All such suits are to be carried on by the agent for the time being at the risk of Government.*

Agents, &c. not liable to prosecution for the acts of their predecessors.

What suits they are bound to defend after removal from office.

XXX. To facilitate the communication between the agents and their assistants, and head officers of aurungs, *and the* vakeels *in the* zillah *or city courts, or the provincial courts of appeal, and the Sudder Dewanny Adawlut, who may be entrusted with the conduct of any suits or appeals in which they may be engaged in their official capacity, either whilst they*

Agents, &c. allowed to forward instructions to their vakeels *in the courts of appeal by the dawk, free of postage.*

they may continue in the office, or after their removal from it, they are permitted to forward free of postage, any instructions which they may have occasion to transmit to the vakeels *of those courts. The instructions are to be enclosed under a sealed cover directed to the* vakeel. *The instructions so sealed and directed are to be transmitted under a sealed cover addressed to the register of the court in which the cause may be depending, and are to be superscribed with the name and the official appellation of the person dispatching them, or that which he bore when the cause of action arose. The register of the court, immediately on receiving the instructions, is to deliver them sealed to the* vakeel *to whom they may be directed. In like manner, the* vakeels *in any of the courts to whom the pleading of such suits or appeals may be committed under this regulation, by persons holding or having held the office of agent, assistant, or head officer of an* aurung, *are authorized, either whilst their constituents remain in such office, or after they shall have been removed from it, to forward any papers which they may have to convey to their constituents by the public* dawk *free of postage. The papers are to be enclosed in a cover sealed with the seal of the* vakeel, *and the judge or the register of the court is to transmit the papers so sealed in a cover addressed to the person to whom they are to be forwarded, and subscribe the cover with his official signature.*

Instructions to be sealed, and enclosed under a sealed cover addressed to the register of the court.

Cases in which the Board of Trade are to take upon themselves the prosecution or defence of any suit or appeal.

XXXI. In cases in which the Board of Trade may judge it expedient, or in which they may receive orders for the purpose from the Governor General in Council, they shall take upon themselves the superintendence of the prosecution or defence of any suit or appeal, in which they or their officers may be engaged, either in a zillah *or city court, a provincial court of appeal, or the Sudder Dewanny Adawlut, instead of leaving the superintendence of the conduct of the suit or appeal to the agent or any other officer.*

Agents and their assistants, and head officers not to derive any pecuniary advantage from suits in which they may be engaged, nor to suffer any loss, if their conduct be approved by the superior authorities

To bring to account all sums adjudged to them, and to issue from their treasury, the expences of suits in which they may be engaged, but not to pass them to the debit of Government, without the sanction of the Board of Trade.

XXXII. The agents, and their assistants, and head officers of aurungs, *are not to derive any advantage whatever from suits in which they may be engaged in any of the courts of justice in their official capacity. On the other hand, it is not intended that they should sustain any loss in consequence of such suits, where their conduct may be approved by the Board of Trade, or the Governor General in Council. The agents, and their assistants, and head officers of* aurungs, *are accordingly to bring to the credit of the Company in their public accounts, all sums whatever that may be adjudged to them by any of the courts of justice; and they are to note at the foot of their accounts, or in a separate account, or under a distinct head in their accounts, according as the Board of Trade may direct, all sums which they may disburse, or be adjudged to pay, on account of any suits or prosecutions in which they may be engaged or concerned, in their official capacity; but no such disbursements or payments, are to be considered as passed to the debit of Government, until the previous sanction of the Board of Trade shall have been obtained for that purpose; and until such sanction is procured, the agents, or their assistants, or head officers on whose account the disbursements or payments may be made, are to be held answerable for the amount.*

Natives aggrieved by acts done in opposition to this regulation, pursuant to orders from the Governor General in Council, or the Board of Trade, how to obtain redress.

XXXIII. If any byoparee, molungee, *or other person who may have received advances on account of the salt manufacture, or have been employed in it, shall deem himself aggrieved by any act done in breach of this regulation, by an agent, or his assistant, or the head officer of an* aurung, *pursuant to special orders from the Board of Trade, or the Governor General in Council, he will be at liberty to seek redress in the mode prescribed for such cases in Section* 11, *Regulation III.* 1793.

BENGAL SECRETARIAT LIBRARY

A. D. 1793. REGULATION XXX*.

A REGULATION *for preventing the illicit Manufacture or Importation of Salt.*—PASSED *by the Governor General in Council on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

TO *secure to Government the revenue which it derives from having reserved to itself the exclusive right of manufacturing salt in the provinces, it is necessary that individuals should be prevented from importing foreign salt, or making salt in the provinces on their own account. The following rules, being the rules passed for the above purposes previous to this date, with alterations and modifications, have been accordingly enacted.*

Salt not to be made in the provinces but on account of Government.

Salt made in breach of this prohibition liable to confiscation.

II. Salt shall not be made in the provinces of Bengal, Behar, or in the part of Orissa under the dominion of the Company, excepting on account of Government, or with their sanction; and all salt made directly or indirectly in breach of this prohibition, is declared liable to confiscation.

Importation of foreign salt prohibited under the penalty of confiscation.

Exception.

III. Foreign salt, under which denomination is included all salt made out of the limits of Bengal, and Behar, and the part of Orissa under the dominion of the Company, shall not be imported into Bengal, or Behar, or the Company's portion of Orissa, excepting on account of Government, or with their special sanction, or in virtue of any regulation printed and published in the manner prescribed in Regulation XLI. 1793; *and any salt that may be imported or attempted to be imported in opposition to this prohibition, is declared liable to confiscation, and the person giving information of salt so imported, shall, on the salt being confiscated and sold by Government, receive a reward of twenty-five per cent. on the proceeds of the sale.*

Muscat salt allowed to be imported under the following restrictions.

Two hundred maunds may be imported in any vessel from Bombay, and five hundred maunds in any vessel from Muscat.

Salt to be accompanied with certificates from the custom house officers of Bombay or Muscat, that it comes from the latter port.

Salt imported in breach of the rules in either of the two preceding clauses liable to confiscation.

IV. First. *Muscat salt is allowed to be imported on ships importing from Bombay or Muscat, under the following rules and restrictions.*

Second. *No greater quantity than two hundred maunds of Muscat salt, each seer weighing eighty-two sicca weight, shall be imported in any one vessel importing from Bombay, and no quantity exceeding five hundred such maunds, in any one vessel importing from Muscat.*

Third. *The salt allowed to be imported under the preceding clause, is to be accompanied with a certificate duly authenticated from the officers of the customs at Bombay or Muscat, that the salt is the produce of, or has been exported from Muscat.*

Fourth. *If any Muscat salt, exceeding the quantities authorized to be imported in clause second, shall be imported, or be attempted to be imported, in any one vessel, or if any such salt being within the quantities authorized to be imported in that clause, shall be imported, or be attempted to be imported, without the certificate required by clause third, the whole of the salt in such vessel will be liable to confiscation.*

* This entire regulation is rescinded by Section 2. Regulation VI. 1801.

V.

Salt agents and their officers, and the officers of the salt chokies, *empowered to attach salt illegally made or imported.*

V. First. *The salt agents and their officers, and the officers of the salt* chokies, *on receiving information of any salt having been illegally manufactured or imported, in breach of the prohibitions contained in Sections* 2, 3, *or* 4, *are empowered to attach the same, without giving previous notice to the judge or magistrate of the district, or, if they shall deem it necessary, they may apply to the magistrate, or any of the* darogahs *of police, to assist them in seizing the salt; and on such application being made, the Magistrate or* darogah *shall afford the assistance required.*

Seizures made by the salt officers to be reported without delay to the agents, or the Board of Trade.

Penalty for disobedience to this rule.

Second. *Officers of the agents making seizures of salt, are to transmit without delay, and by the most expeditious mode of conveyance of which they can avail themselves, a report of the circumstances of the seizure to the agent. If the officer seizing the salt shall make any unnecessary delay in forwarding the required report, or shall omit to forward it, he shall be liable to a prosecution in the* dewanny adawlut *for damages by the proprietor, and to dismission from office, and to forfeit to Government any reward he might be entitled to in the event of the salt being confiscated. Officers acting under the immediate orders of the Board of Trade, are to transmit similar notice in such cases to that Board, and under the like penalties in case of delay or failure in forwarding it.*

Salt once seized by officers not to be released without orders from the agent or the Board of Trade.

Third. *Officers of the agents, and those acting immediately under the Board of Trade, are prohibited from releasing any salt they may have once seized, without orders from the agents, or the Board of Trade. The agents however may order any salt seized by their officers to be released, if they shall be of opinion on enquiry, that it is not liable to confiscation, but they shall invariably report the release of the salt to the Board of Trade.*

Agents and officers of the Board of Trade, to report seizures, with all the circumstances, to that Board without delay.

VI. In all cases in which the agents, or their officers, or any of the officers acting under the immediate orders of the Board of Trade, may make seizures of salt, the agents, or the officers immediately under the Board of Trade, if the seizure shall have been made by them, shall transmit notice of the seizure, and all the circumstances relating to it to the Board of Trade with all practicable dispatch, that they may proceed regarding it as hereafter directed.

Landholders &c. to inform the magistrates or salt agents, or their officers, of salt illegally made or imported in the lands to which their authority may extend.

Penalty for natives of the above descriptions guilty of a breach of this rule.

VII. Proprietors of land, and farmers of land holding their farms immediately of Government, dependant talookdars *and under-farmers farming lands of such proprietors, farmers, and* talookdars, *managers of estates of disqualified landholders, and* tehsildars, *are required to give immediate information to the nearest magistrate, or salt agent, of any salt that may be illegally made or imported into the lands of which they may respectively have charge, under pain of being liable to a penalty of twenty-five per cent. to Government on the value of the salt, (estimating it according to the price at which the salt may be sold should it be confiscated and disposed of by Government, or, should it not be seized and sold, agreeably to the average price at which salt of the same species may sell at the sales of the year in which such contraband salt may be manufactured or imported.) that may be proved in the* dewanny adawlut *to have been so made or imported with their knowledge or connivance, exclusive of the penalty of confiscation, should the salt belong to them. The Magistrates shall detain any such salt of which they may receive information, if they shall believe it to be liable to confiscation, and cause it to be delivered over to the nearest agent, or to the officers of the Board of Trade, that the Board may proceed with it as hereafter directed.*

Salt transported without a rowannah *or* char chitty *liable to confiscation.*

VIII. First. *Salt attempted to be transported within the provinces, by land or by water, without a* rowannah *or* char chitty, *from the proper officer, is declared liable to seizure and confiscation.*

Salt attempted to be transported under a rowannah *or* char chitty *for a smaller quantity liable to confiscation.*

Second. *If any person shall attempt to transport by land or water, under a* rowannah *or* char chitty, *a greater quantity of salt than may be specified in the* rowannah *or* char chitty, *the whole of the quantity so attempted to be transported shall be liable to seizure and confiscation.*

Informers entitled to twenty five per cent on the sales of salt specified in the two preceding clauses that may be confiscated.

Third. *Any person giving information of salt attempted to be transported in opposition to the two preceding clauses, shall on the confiscation and sale of the salt, receive a reward of twenty-five per cent. on the proceeds of the sale.*

Boats, cattle, and carriages on which salt illegally made, imported, or transported may be loaded, liable to confiscation.

Informer entitled to twenty-five per cent. on the proceeds of the sale.

IX. The boats, bullocks, or other cattle, and the carriages, on which salt made, transported, or imported, in opposition to the rules contained in this regulation, may be loaded, shall be liable to confiscation and sale, equally with the salt, and under the same rules and restrictions, and the informer shall be allowed twenty-five per cent. on the proceeds of the sale of such boats, cattle, or carriages.

Board of Trade to take the circumstances of seizures of salt into immediate consideration.

How to proceed, if they shall determine the salt not liable to confiscation.

X. On a seizure of salt being reported to the Board of Trade, they shall take the circumstances relating to it into consideration without delay. If they shall determine that the salt is not liable to confiscation, they shall order it to be released, and if it shall have been seized by any of the agents, or any officers of the salt department, the seizers shall be liable to be sued for damages in the dewanny adawlut *by the proprietor of the salt, and the person having made the seizure shall defend the suit at his own risk. In such cases, however, the Board of Trade, if on a consideration of the circumstances, and the conduct of the person by whom the seizure may have been made, they shall deem it proper so to do, may indemnify him for the consequences of the suit, or order it to be defended on the part of Government, or adjust the matter with the proprietor of the salt, reporting the measures which they may adopt to the Governor General in Council for his information.*

Or, where they shall consider it subject to confiscation.

How persons dissatisfied with confiscations made by the Board of Trade are to apply for redress.

XI. If the Board of Trade, on a seizure of salt being reported to them, shall be of opinion that it is liable to confiscation, they shall confiscate it, with the boats, cattle, or carriages, on which it may have been loaded, and proceed to the sale thereof when it may be deemed advisable. Any person dissatisfied with their decision, shall be at liberty either to prosecute Government in the court of dewanny adawlut *of the* zillah *or city in which the seizure may be made, in which case the judge shall proceed as directed in the cases specified in Section* 11, *Regulation III.* 1793; *or to apply immediately to the Governor General in Council, who will either leave the complainant to seek his remedy in the mode pointed out in that section, or afford such redress as may appear to him equitable.*

A.D. 1793. REGULATION XXXI.

A REGULATION *for re-enacting, with Modifications and Amendments, the Rules passed on the 23d July 1787, and subsequent Dates, for the Conduct of the Commercial Residents and Agents, and all Persons employed or concerned in the Provision of the Company's Investment.*—PASSED *on the 1st May 1793; corresponding with the 21st Bysaak 1200 Bengal era; the 6th Bysaak 1200 Fussily; the 21st Bysaak 1200 Willaity; the 6th Bysaak 1850 Sumbut; and the 19th Ramzaan 1207 Higeree.*

Preamble.

THE nature and extent of the commercial concerns of the Company, render it necessary that rules should be prescribed for preventing manufacturers, or other persons in their employ, embezzling the money advanced to them, or disposing of the goods provided with it to individuals, and for ensuring the delivery of the goods agreeably to their engagements. No well founded objection can be offered to such rules by the manufacturers, or others to whom they may extend, whilst they at the same time establish it as a fundamental principle, that no person shall be compelled to work for the Company, and that those who may engage in their employ, shall always be at liberty to relinquish it, after performing the engagements into which they may have voluntarily entered. It is equally requisite, on general principles, that precautions should be taken to prevent the rules adopted for the abovementioned purposes, being rendered subservient to the private views of the officers employed in the provision of the investment, to the injury of the manufacturers, and the prejudice of the interests of the Company, both in their commercial capacity, and as rulers of the country. As the most effectual mode of guarding against such abuses, and of ensuring justice to the manufacturers and others in their dealings with the Company, the Governor General in Council has determined, that the rules to which persons engaging to furnish goods for the Company's investment may be subjected, shall be incorporated with the laws and regulations for the internal government of the country, and that the officers employed in the immediate superintendence of the provision of the investment, shall be liable to be sued for any deviation from those rules in the courts of judicature, that every person who may deem himself aggrieved by their official acts, whether originating with themselves, or done in consequence of orders from the superior authorities, may be able to obtain redress with the same facility as for an injury received from any individual. The following rules, being the rules passed by the Governor General in Council on the 23d July 1787, and subsequent dates, with modifications and amendments, adapted to the principles above stated, have been accordingly enacted.

No weaver to be compelled to work for the Company.

Persons under engagements, after fulfilling them, not to be compelled to re-engage.

II. Weavers not indebted, nor under engagements to the Company, shall not be compelled to enter into their employ; and weavers indebted, or under engagements to the Company, on duly discharging such debts, or engagements, shall not be compelled to enter into fresh engagements.

Conditions to which weavers engaging for the provision of the Company's investment are to consider themselves subject.

III. *First.* Weavers who may engage for the provision of any part of the Company's investment, are to consider themselves as engaging under the following rules and conditions.

Engagements to be made in writing, attested by not less than two witnesses.

Second. All engagements with weavers, are to be made in writing, attested by at least two credible witnesses. One copy of the writing is to remain with the commercial resident or his officers, and the remaining copy with the other party to the engagement.

Weavers not choosing to take further advances, to give a fortnight's notice.

Third. Weavers under engagements to the Company, and who may not intend to take further advances, shall give at least a fortnight's notice of their intention.

No weavers to work for individuals, or *bazar* sales, until they have completed their engagements on account of the investment.

Fourth. Weavers indebted to the Company, who have received advances from them, or come under engagements to them, shall, in discharge of such debt, advances, or engagements, deliver cloths, according to agreement. They shall on no account give to any other person or persons whatever, European or native, either the labour or the produce engaged to the Company; and if they have not fulfilled their engagements by the period agreed on, they shall not work for newer engagements, nor for *bazar* sales, until those engagements are completed.

Peons may be put on weavers failing in their engagements for the purposes herein specified.

Fifth. When any weaver fails to deliver by the stipulated periods, the cloths for which he may have engaged, the commercial resident shall be at liberty to place *peons* upon him, in order to quicken his deliveries, and prevent his infringing the two restrictions in the latter part of clause fourth.

Penalty for weavers disposing of cloths to individuals, whilst they are deficient in their deliveries on account of the investment.

Sixth. If notwithstanding the restrictions in the latter part of clause fourth, any weaver shall by himself, or by any other person, sell cloths to private merchants, Europeans or natives, or to dealers or agents of whatever description, whilst he is deficient in his stipulated deliveries on account of the Company's investment, he shall be liable to be prosecuted in the *dewanny adawlut;* and upon proof of the fact, he shall be adjudged to forfeit to the Company, all that the produce of the cloths so sold, rated either at what he got for them, or their *bazar* value, shall exceed the ordinary prime cost of the thread in them, with costs of suit besides, and moreover be obliged to complete his engagements.

Penalty for weavers failing in their stipulated deliveries.

Seventh. Weavers possessed of more than one loom, and entertaining one or more workmen, shall be subject to a penalty of thirty-five per cent. on the stipulated price of every piece of cloth that they may fail to deliver, according to the written agreement which they may have executed, in addition to the repayment of the money advanced for the same.

How the penalty in the preceding clause is to be recovered.

Eighth. The penalty specified in the preceding clause, shall be sued for in the *dewanny adawlut*, and shall be recoverable, on the agreement with the weaver, and the failure in his deliveries, being proved.

List of weavers employed by the Company to be fixed up in the *cutcherree* of the collector.

IV. A list or register of the weavers employed in the provision of the Company's investment, in every *pergunnah*, specifying their places of abode, shall be fixed up by the commercial resident in the *cutcherree* of that *purgunnah*, and shall be corrected at the beginning of every week or month, according to the alterations that may have happened in the week or month preceding. The officers of the *cutcherree* are to give immediate permission for the exhibition of the list, and the commercial resident shall transmit a copy of it in the native languages once in every three months to the judge of the *zillah*.

Persons procuring from weavers cloths made with the Company's advances how to be proceeded against.

V. Persons procuring from weavers in the Company's employ, by the offer of ready money, or under the pretence of previous engagements which were not avowed, cloths really wrought for the Company, and with their advances, knowing such cloths to be the right of the Company, either by the mark upon them, or the transactions between the weavers from whom they procure them and the Company, or having reason for such knowledge from the notoriety of such weavers being in the Company's employ, or discovering the same by the clandestine methods they take to obtain the cloths, shall be liable to be sued for damages in the *dewanny adawlut*, and on proof of the fact to its satisfaction, the court shall award to the Company such amount as may appear to it equitable, in addition to the cloths so obtained. But for purchases, openly and fairly made in the public *hauts* and *bazars*, the buyers shall not be liable to prosecution, unless the cloths have the Company's mark upon them.

No persons to use means to prevent individuals being engaged in the Company's employ.

VI. All officers of Government, proprietors and farmers of land, and dependant *talookdars*, under-farmers and *ryots*, and their agents and dependants, are enjoined not to hinder the commercial residents or their officers from access to weavers, or other persons, in order to treat with them about the Company's business; nor are they to use any arts, menaces, or punishments, to deter weavers or other persons from accepting the Company's advances, under pain of being liable to be sued for damages in the *dewanny adawlut*.

No public officers or any individuals to behave with disrespect to the residents or their officers,

VII. All officers of Government, proprietors and farmers of land, *talookdars*, under-farmers, and *ryots*, and their agents and dependants, are strictly prohibited from behaving with disrespect to the commercial residents or their officers; and they are required, on application

from the commercial residents or their officers, to afford every assistance for the protection of the weavers and other persons employed by the Company, and the security of the investment, that may be consistent with the powers and authority vested in them, and the Regulations.

nor to impede the business of the investment, but to assist it to the utmost of their power.

VIII. Weavers employed by the Company, who may cultivate or rent land, are to pay the rent according to their *pottahs* in the same manner as other *ryots* or renters, and under the same rules and regulations, with the exceptions hereafter specified as to the mode of demanding and enforcing payment of arrears of rent due from them.

Weavers in their capacity of *ryots* to be subject to the same regulations as other *ryots*, with the exceptions hereafter specified.

IX. *First.* To prevent unnecessary interruption to the provision of the investment, and at the same time that weavers and other persons employed in the provision of it, may not withhold the rent justly due from them for land which they may rent or cultivate, the following rules are prescribed.

Rules for the recovery of arrears of rent from weavers in the Company's employ.

Second. No weaver, or other manufacturer, *gomastah*, or other officer or person employed in the provision of the Company's investment, shall be summoned to the *cutcherree* of any proprietor, or farmer of land, or any native holding or entrusted with the collection of the rents or revenue of lands, under any pretence whatever. If any such persons shall have claims on such weavers, manufacturers, *gomastahs*, or officer, for or relating to arrears of rent, they shall either distrain for the amount under Regulation XVII. 1793, or sue the defaulter for it in the *dewanny adawlut*, or state their claim in writing to the commercial resident, who, if the weaver, or other person, be then actually employed by the Company, may, if he shall deem it expedient so to do, cause him to satisfy the claim, or satisfy it himself, and stop the amount by *kistbundy* from his future advances, so that his labour on account of the Company's investment may not be interrupted. But the cloth, thread, or advances belonging to the Company in the hands of such weaver, or other person, shall in no case be liable for such demand, but shall be restored to the resident.

Weavers, &c. in the Company's employ, not to be summoned by any native concerned in the collections of the rents or revenue of lands.

X. *First.* Persons instituting suits in the *dewanny adawlut* against a weaver, or other manufacturer, or any officer or person employed in the provision of the Company's investment, are to specify his being so employed in the bill of plaint. In such cases, the summons, with a copy of the plaint, shall be enclosed to the commercial resident under a sealed cover, addressed to the resident, and superscribed with the official signature of the judge or the register. It shall be at the option of the resident to execute, or to cause one of his officers, or any person whom he may think proper, to execute the security required from defendants by Section 5, Regulation IV. 1793, and also the security directed to be taken by Section 9, Regulation VII. 1793, for the fees of the authorized *vakeel* whom the defendant may entertain, or to leave the party summoned to find such securities; and in the latter case, if the officer of the court bearing the summons, where it shall have been transmitted by an officer, shall entertain any doubt of the responsibility of the security so offered, and the resident shall deem it to be sufficient, the officer shall accept the security. If the resident shall not think it proper to order any of his officers, or any other person to become security, and the defendant himself shall not be able to find security which the resident may deem responsible, he is to cause the defendant to accompany the officer of the court to the court, or, if no officer shall have been sent with the summons, to appear in person before the court, that he may be dealt with in the same manner as other defendants not giving the required security.

How summonses are to be served on weavers or other persons in the Company's employ, who may be sued in the *dewanny adawlut*.

Second. The residents are to empower the head officer at each of the different *aurungs* or *kotees* subordinate to them, and also an authorized *vakeel* of the *dewanny adawlut*, or any other person whom they may think it proper to station at the place at which the court may be held, to execute securities for the persons, and in the cases specified in the preceding clause. The residents are to be careful to keep the judges furnished with a list of the persons so empowered, specifying also the place at which they may usually reside; and the judges are authorized, in instances in which they may deem it proper, either from the distance of the place of abode of the resident from the place at which the party summoned may reside, or other circumstances, to order the summons to be inclosed to one of the persons so empowered to become security, instead of transmitting it to the resident himself under the preceding clause, in which case such person shall proceed in the same manner as the resident is directed to proceed, where the summons may be sent immediately to him.

Residents to empower persons to become security, and judges may transmit summonses to them.

How obedience to a summons is to be enforced, if issued against a person employed in the Company's investment without its having been so specified in the plaint.

Third. If any person shall prefer a suit in the *dewanny adawlut* against a weaver or other manufacturer, or any officer or person employed in the provision of the Company's investment, without specifying that the defendant is so employed, and the summons shall in consequence be ordered to be served on the defendant, in the same manner as on other defendants, the officer serving the same, upon the circumstance of the defendant being so employed, being notified to him by the resident, or any of his officers, or by the defendant himself, shall deliver the summons to the nearest person empowered to execute the securities in the cases specified in clause first, whether the resident, or the head officer of an *aurung* or *kotee*, who shall proceed in the manner prescribed to the resident in that clause. If the officer shall receive the notification of the defendant being in the Company's employ, from the defendant only, and shall entertain doubts of his being so employed, or if he shall not entertain any doubt of his being so employed, but shall apprehend that he will abscond whilst he (the officer) is repairing with the summons to the person empowered to execute the securities, he shall in such case carry the defendant, with the summons, to the person so empowered, and shall not release h;m, until the required securities have been executed.

How warrants for bailable offences against persons employed in the investment are to be served.

Fourth. In cases in which a weaver, or other manufacturer, or any officer or person employed in the provision of the Company's investment, shall be charged before the magistrate with a bailable offence, the warrant shall be served in the manner directed in the preceding clauses with regard to summonses in civil cases, with this difference, that the warrant shall require the party summoned to appear in person, or by *vakeel*, as the magistrate may think proper, and shall specify the amount of the sum for which the security or recognizance for the appearance of the defendant is to be given, and the amount of which shall be regulated by the magistrate according to the nature of the charge, and the situation and circumstances in life of the defendant.

Return to be made on the back of summonses and warrants served as above directed.

Fifth. In all the cases specified in the preceding clauses of this section, the resident or head officer through whom the summons or warrant may be served, shall return on the back of it in what manner it has been served, and by whom the security has been executed.

Warrants for offences not bailable how to be executed on persons in the Company's employ.

Sixth. If a charge shall be preferred to a magistrate against any weaver or other manufacturer, or any officer or person employed in the provision of the Company's investment, for an offence that is not bailable, and there shall appear to the magistrate sufficient ground for apprehending the person so charged, the warrant for his apprehension shall require him to appear immediately in person, and shall be executed in the same manner as upon persons not so employed. But the officer, after securing the offender, is to give notice of his apprehension to the resident, or the head officer of the nearest *aurung* or *kotee*.

Darogahs *of police to observe the rules in clauses fourth and sixth.*

Seventh*. *The* darogahs *of police are to observe the rules prescribed in clauses fourth and sixth of this section, in complaints that may be preferred to them against weavers, or other manufacturers, or officers or persons in the employ of the Company.*

Residents and their head officers to be responsible for the performance of the conditions of the securities they may execute or approve.

Eighth. In all cases in which the residents, or their head officers empowered for that purpose, shall become security under any of the clauses of this section for the appearance of any person employed in the investment, or for the fees of his *vakeel*, or shall declare any person whom the party summoned may offer as security, to be responsible, the resident is to be considered personally answerable for the due performance of the conditions of the security, in the event of the party for whom the security may be given not performing them himself, or, where the party himself shall have given the security, and it shall have been declared responsible by the resident, or his head officer of an *aurung* or *kotee*, in the event of the party or his surety not performing them. It will accordingly be the business of the residents, to take care to employ creditable persons only as head officers at the several *aurungs* and *kotees* to superintend the business, and become security, and to furnish them with proper instructions, and to take such security from them, as they (the residents) may deem sufficient to indemnify themselves for the consequences that may result from any abuse which such officers may commit in the exercise of their trust.

How summonses on persons employed in the investment, when required as

Ninth. Summonses to weavers, or other manufacturers, or officers, or any persons employed in the Company's investment, as witnesses, shall be served in the same manner as if

* This clause is rescinded by Clause first, Section 2, Regulation XX. 1817.

they were parties in the cause; but the judges are to be careful not to summon such persons excepting when their attendance shall be absolutely necessary, and on their appearance, to have them examined and dismissed with all practicable dispatch, so that they may be absent from the business of the investment as short a time as possible.

witnesses, are to be executed.

Tenth. The residents and their head officers, are declared liable to be sued in the *dewanny adawlut*, should they apply any of the rules in the preceding clauses of this section regarding summonses and warrants issued against persons employed in the investment, to persons not *bonâ fide* so employed. And as the rules contained in those clauses, are intended only to prevent unnecessary interruption to the investment, where it can be avoided without impeding the course of justice, the judges and magistrates are empowered in particular cases in which it may appear to them indispensably necessary for the purposes of justice, to order the personal attendance of any native officer or person in any wise concerned or employed in the investment, whether he may be a party or a witness in the suit or prosecution, notwithstanding any thing that may be said to the contrary in those clauses, and to cause process to be executed upon him for that purpose, in the same manner as upon other individuals; but in such cases, the judges and magistrates are to record their reasons for deviating from the prescriptions contained in the said clauses, which are to be considered as the general rules for issuing and executing such summonses and warrants, and in the summons or warrant, they are to specify that it has been specially ordered to be so executed, in virtue of the discretionary power vested in them by this clause; and they are moreover strictly enjoined to refrain from every unnecessary exercise of this discretionary power.

Residents and their head officers forbidden to apply the above rules to persons not employed in the Company's investment.

Discretionary power vested in the judges and magistrates, of causing the immediate attendance of all natives employed in the investment.

Restrictions under which this discretionary power is to be exercised.

XI. All complaints of weavers against individual traders, and *vice versa*, are to be considered as matters of a private nature between the parties, who are to have recourse to the proper courts of judicature, should they have any ground of complaint against each other for breach of engagements, or other cause. The courts are to decide according to the tenor of the engagements between the parties, if any engagements exist, and the regulations. But where weavers are employed at the same time by more than one foreign or private agent, they shall deliver first to the previous contractor, and afterwards to the others, according to priority of engagements.

Transactions between private traders and weavers cognizable in the Courts of *dewanny adawlut*, the judges of which are to decide according to the case, and the regulations.

XII. Decisions in favour of private merchants, or other individuals, against weavers who were in the employ of the Company at the time they entered with such private merchants or individuals into the agreements on which they are sued, (their having been so employed being proved by the lists of the Company's weavers published at the *cutcherrees*, and transmitted to the judge of the *dewanny adawlut* as directed in Section 4, as well as by the dates of the respective agreements and transactions consequent to them,) shall be made with a saving to the Company of their claims on such weavers, which claims also are to be proved in court. And that this rule may be carried into effect, before execution follows at the suit of an individual against any weaver in that list, the Company's commercial resident shall be desired to state, whether such weaver was in the employ of the Company when the agreement on which he may be cast was made, as also whether the Company have any and what demand upon him, and to make proof of the same; which being satisfied or secured, the sum decreed against him in favour of the individual shall next be made good from his property, but his person shall not be liable to attachment.

Decisions in favour of private traders against weavers previously in the employ of the Company, to be made with a saving of their claims, which are to be first satisfied, provided they be proved.

XIII. *Gomastahs*, *deedars*, *mokeems*, and all native servants and persons of whatsoever description, employed under the Company's factories or *aurungs* in the provision of their investment, guilty of changing the Company's cloths; accepting of money from individuals for abetting or conniving at the alienation of them by the weavers; writing false balances in the Company's accounts; embezzling otherwise the property entrusted to them; or exacting money in any shape from weavers to whom advances are made; shall, on conviction in the court of *dewanny adawlut* to which they may be amenable, forfeit double the amount of the value of the property or the money which they may have embezzled, alienated, or exacted, and shall be further liable to imprisonment for any term that the court may judge proper not exceeding twelve months, and upon the circumstances being represented by the Board of Trade to the Governor General in Council, he will, if it shall appear to him proper, declare the offender incapable of serving Government in any capacity.

Punishment for *gomastahs*, &c. changing cloths, and committing the offences herein specified.

XIV.

Rules regarding weavers applicable to others providing goods for the investment.

XIV. All the rules in this regulation regarding weavers employed for the Company, are to be considered to extend in their principles and meaning, to the manufacturers and other persons employed in the provision of raw silk, and of the other articles of the Company's investment, provided within the provinces of Bengal, Behar, or Orissa.

Rules for residents trading on their own account.

XV. *First.* The following rules are prescribed for the conduct of commercial residents carrying on trade for themselves.

Resident to supply the Company's goods in the first instance.

Second. The resident shall supply, or ensure the Company's demand for goods, as far as the ability of his *aurung* will go, before he provides any for himself.

To distinguish the Company's provision from his own.

Third. He shall carefully and avowedly distinguish to the manufacturers between the Company's provision and his own.

Company's prices not to be made the standard of his own trade.

Fourth. He shall give them the price for which they may choose to deal with him, without making the Company's prices a standard for his own trade.

Not to use his official influence to make the manufacturers work for him in preference to others.

Fifth. He shall not make use of any influence he may possess, as the Company's representative, to induce the manufacturers to work for him in preference to other dealers.

Subject to the same rules as private traders.

Sixth. He shall be subject to the same regulations in case of disputes with manufacturers, as other private traders.

To deal on his own stock.

Seventh. He shall not take any commission for agents or others, but deal merely on his own stock as a merchant.

Not to trade in the name of another.

Eighth. He shall not carry on any trade in his *aurung*, directly or indirectly, in the name of any other person.

His goods not to be sold at his own *aurung*, nor sent to a foreign settlement.

Ninth. Whatever goods he may provide of the produce of the *aurung* where he is stationed, shall not be sold there, nor sent to any foreign settlement, but shall be consigned to some other place, and if brought to Calcutta, or sent by *manjee* to the upper provinces, shall be registered in his name in the custom-house books.

To deliver an annual statement of his private trade to the Board of Trade.

Tenth. He shall state to the Board of Trade, by the 15th of December in every year, the gross amount of the money invested or to be invested by him on his own account, as nearly as he can judge of the same, from the 1st May preceding to the 30th April following, and the Board of Trade shall thereupon communicate to the Governor General in Council, any remarks that may appear to them proper.

Residents and their officers liable to be sued in the *dewanny adawlut* for breach of Regulations under the restrictions herein specified.

XVI. The commercial residents and their native officers of every description, are declared liable to be sued in the *dewanny adawlut* by weavers or others with whom they may use compulsion to make them enter into the Company's employ, or whose names they may improperly insert in the list specified in Section 4, or whom they may not pay for their cloths or goods according to the engagements entered into between them and the Company, or who may not obtain in due time a fair settlement of accounts, or who may suffer unjust exactions from *peons* put over them, or for any breach of this regulation, or any other regulation regarding the provision of the investment, printed and published in the manner directed in Regulation XLI. 1793. In all such cases, whether the act complained of shall have been done by the resident or any of his officers, the party aggrieved, is in the first instance, to state his complaint to the resident, and in the event of his refusing to afford the required redress, or omitting to grant it within a reasonable time, the complainant may then sue the resident, whether the injury complained of shall have been done by himself or his officer. But the courts are not to receive any suit that may be preferred against a resident or any of his officers, unless the complainant shall prove to the satisfaction of the court, by oath, or by any other mode which the court may deem satisfactory, that he applied to the resident for redress, and that he refused to afford the redress required, or omitted to grant it within a reasonable time. Either party dissatisfied with the award or decision of a resident, on any complaint made to him under this section, may appeal from it to the *dewanny adawlut.*

Resident and his officers to defend suits instituted against them for a breach of the Regulations at their own risk.

XVII. In suits instituted against a resident or any of his officers, under the preceding section, and where the act complained of shall not have been done pursuant to special orders from the Board of Trade, or the Governor General in Council, the party complained against is to appoint one of the authorized *vakeels* of the court to defend the suit at his own risk.

XVIII. The residents may take upon themselves the defence of any suits which may be instituted against their officers, but in such cases, the residents are to be answerable for the decree of the court in the same manner as if the suit had been originally instituted against them.

Residents may take upon themselves the defence of suits instituted against their officers.

XIX. When any process shall be issued by a court of civil judicature to a commercial resident, the judge or the register of the court, is to transmit it under a sealed cover addressed to the resident in the form of a letter, and superscribed with his name and official appellation. The resident is immediately to acknowledge the receipt of the process by an endorsement to that effect on the instrument, and to return it under a sealed cover addressed to the judge or the register of the court from which it may have issued.

Process issued against residents how to be served.

XX. Where the Board of Trade shall approve of decisions given against the commercial residents, or their officers, in suits in which they may have been engaged in their official capacity, and which may not have been prosecuted or defended by them, pursuant to orders from the Board, or the Governor General in Council, they are empowered to make the resident, or his officer by whom the act complained of may have been done, responsible for the whole or any part of the costs and damages awarded by the decree, or of the decree itself, if upon a consideration of the merits of the case, and of the conduct of the person against whom the decree may be given, or the act complained of may have been done, they shall be of opinion that the Company ought not to be charged with all or any part of such costs or damages, or decree. But in such cases, the person whom they may so determine to hold responsible, may appeal the cause at his own risk and cost.

By whom decrees, costs and damages given against residents and their officers are to be made good.

XXI. If the Board of Trade shall be dissatisfied with a decree passed against a commercial resident, or any of his officers, in suits in which they may have been engaged, either with or without their orders, or the orders of the Governor General in Council, they may authorize an appeal from it under the regulations, in which case, the appeal shall be carried on in the Provincial Court of Appeal, and in the Sudder Dewanny Adawlut, (should the cause be carried to the last mentioned court,) by the *vakeel* of Government, or by any other authorized *vakeel* of the court into which the cause may be brought, notwithstanding any thing that may be said to the contrary in any regulation passed on this date.

Board of Trade may authorize an appeal from any decision passed against the resident or his officers.

XXII. Security is not to be demanded from the commercial residents, or the head officers of *aurungs* or *kotees* who may be empowered to execute securities, for their personal appearance in any suit in which they may be engaged in their official capacity; nor shall security be required from them for the payment of costs or damages, or for the performance of the decrees or orders of the courts, as Government will be responsible for causing the residents to answer to such suits instituted against them, and to make good the decrees, and will hold them responsible for their head officers of *aurungs* or *kotees* answering to such suits preferred against them, and performing the decrees that may be passed therein.

Security not to be demanded from residents or their head officers for their appearance, or costs or damages, or decrees.

XXIII. The residents and their head officers of *kotees* or *aurungs*, shall not be liable to prosecution for official acts of their predecessors. But persons who may be removed from a residency, or from the place of head officer of an *aurung* or *kotee*, are to carry on in the same manner as if they had continued in the office, all suits instituted against them in their official capacity, unless the Board of Trade, upon a consideration of the circumstances of the cases, shall deem it advisable to order their successors to carry on the suits. This rule however is not to extend to suits in which a resident or head officer, who may have been removed, shall have been engaged in virtue of orders from the Board of Trade, or the Governor General in Council. All such suits are to be carried on by the resident for the time being, and at the risk and expence of Government.

Residents and their head officers, not liable to prosecution for the acts of their predecessors.

What suits they are bound to defend after removal from office.

XXIV. To facilitate the communication between the residents and their head officers of *aurungs* or *kotees*, and their *vakeels* in the *zillah* or city courts, or the provincial courts of appeal, and the Sudder Dewanny Adawlut, who may be entrusted with the conduct of any suits or appeals in which they may be engaged in their official capacity, either whilst they may continue in the office, or after their removal from it, they are permitted to forward, free of postage, any instructions which they may have to transmit to their *vakeels* in those courts. The instructions are to be enclosed under a sealed cover directed to the *vakeel*. The instructions so sealed and directed, are to be transmitted under a sealed cover, addressed to

Residents and their head officers, allowed to forward instructions to their *vakeels* by the dawk free of postage.

Instructions to be sealed, and inclosed under a

sealed cover addressed to the register of the court, who is to deliver them sealed.

The *vakeels* may in like manner forward instructions to their constituents through the register.

to the register of the court in which the cause may be depending, and superscribed with the name and official appellation of the person dispatching it, or that which he bore when the cause of action arose. The register of the court, immediately on receiving the instructions, is to deliver them sealed to the *vakeel* to whom they may be directed. In like manner, the *vakeels* in any of the courts to whom the pleading of such suits or appeals may be committed by commercial residents, or their head officers above mentioned, are authorized, either whilst their constituents remain in such office, or after they shall have been removed from it, to forward any papers which they may have to convey to their constituents by the public *dawk* free of postage. The papers are to be enclosed in a cover sealed with the seal of the *vakeel*, and the judge, or the register to the court, is to transmit the papers so sealed, in a cover sealed and addressed to the person to whom they are to be forwarded, and superscribed with his official signature.

Cases in which the Board of Trade are to take upon themselves the prosecution or defence of suits or appeals.

XXV. In cases in which the Board of Trade may judge it expedient, or in which they may receive orders for the purpose from the Governor General in Council, they are to take upon themselves the superintendence of the prosecution or defence of any suit or appeal in which they or their officers may be engaged, either in a *zillah* or city court, or in a provincial court of appeal, or in the Sudder Dewanny Adawlut, instead of leaving the superintendence of the conduct of the suit or appeal to the resident, or any of his officers.

Residents and their head officers not to derive any advantage from suits.

Nor to sustain any loss if their conduct be approved.

XXVI. Neither the commercial residents, nor their head officers of *aurungs* or *kotees*, are to derive any advantage whatever from suits in the courts of justice in which they may be engaged, or in any wise concerned, in their official capacity. On the other hand, it is not intended, that the residents or their abovementioned officers should sustain any loss in consequence of such suits, where their conduct may be adjudged to be conformable to the Regulations, or may be approved by the Board of Trade, or the Governor General in Council. The commercial residents and their head officers of *aurungs* or *kotees*, are accordingly to bring to the credit of the Company in their accounts, all sums whatever that may be adjudged to them by any of the courts of justice; and they are to note at the foot of their accounts, or in a separate account, or under a distinct head in their accounts, according as the Board of Trade may direct, all sums which they may disburse, or be adjudged to pay, on account of suits in which they may be engaged, or be concerned, in their official capacity; but no such disbursements or payments are to be considered as passed to the debit of the Company, until the previous sanction of the Board of Trade, or the Governor General in Council, shall have been obtained for that purpose; and until such sanction is procured, the residents or the officers making the disbursements or payments, are to be held answerable for the amount.

Sums disbursed by residents and their head officers, not to be carried to the debit of the Company without orders from the superior authorities.

Rules regarding commercial residents applicable to their assistants or other servants entrusted with the business.

XXVII. The rules in this regulation respecting commercial residents, are to be considered equally applicable to their assistants having the charge of the business, or to any other person being a covenanted servant of the Company, and entrusted with the superintendence of the provision of goods for the Company's investment at any *aurung*, whatever may be his official appellation.

Natives aggrieved under this regulation by special orders of the Governor General in Council, or the Board of Trade, how to obtain redress.

XXVIII. If a weaver or manufacturer, or any native employed in the provision of the Company's investment, shall deem himself aggrieved by any act done in opposition to this regulation by a commercial resident, or any covenanted servant of the Company having the charge of the business of an *aurung*, pursuant to special orders from the Board of Trade, or the Governor General in Council, he will be at liberty to seek redress in the mode prescribed for such cases in Section 11, Regulation III. 1793.

A. D. 1793. REGULATION XXXII*.

A REGULATION *for enacting into a Regulation, the Terms of the Contracts concluded for the Provision of Opium on account of Government, in the Provinces of Bengal, Behar, and Orissa, from the* 1*st September* 1793, *to the* 31*st August* 1797; *and for preventing illicit Trade in that Article.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

IN adjusting the terms of the contracts for the provision of opium in the three provinces, it was the object of Government to prevent this source of public revenue operating as an oppression on the *ryots*, by depriving the contractors of the power of compelling any person to cultivate the poppy, and by ensuring to those who might voluntarily enter into engagements for that purpose, the full price of the quantity of opium which they might deliver. It was at the same time necessary that provisions should be made to guard against the contractors being defrauded by the cultivators, and also for preventing illicit traffic in opium. The terms of the contracts as published on the 26th April 1793, and the provisions above alluded to, are hereby enacted into a regulation.

Conditions of the contracts.

II. *First.* The contract for the provision of the opium in Bengal, and in Behar, is to be held under the following conditions.

Governor General in Council at liberty to annul the contract, if it should be disapproved of by the Court of Directors.

Second. ART. 1st. In the event of the Court of Directors disapproving of the terms of the contract, or making any alteration in the mode of providing the opium, or relinquishing the provision of the same altogether, the Governor General in Council is to be at liberty to annul the engagements, which may be entered into in consequence of this advertisement, from the end of the year or season (that is, the 31st August,) in which the orders notifying such disapproval, alteration, or relinquishment, shall be received in Bengal.

Four years the term of the contract.

Third. 2d. The contract is to be for four years, commencing from the 1st of September next (1793).

Contract to be for sicca rupees.

Fourth. 3d. The contract is to be made for sicca rupees. The advances to the contractor are to be made in that specie; and no other specie is to be advanced by him to the *ryots*. The advances to the contractor are to be made in the following proportions, and at the undermentioned periods:

Periods at which the advances to the contractors are to be made, and in what proportions.

In Assaar,	2 sixteenths.
Sawun,	3 ditto.
Bhadoon,	3 ditto.
Assin,	3 ditto.
Cautic,	3 ditto.
Aughun,	2 ditto.
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* This regulation, though not expressly rescinded, has ceased to be in force. See Regulation VI. of 1799, and Regulation XIII. of 1816.

Quantity of opium to be annually delivered by the contractor.

Opium to be delivered in chests weighing two maunds each.

Contractor to receive fifty rupees extra for each chest he may deliver above the stipulated quantity.

Quality of the opium, and the standard for determining it.

Fifth. 4th. The contractor is to engage to deliver annually six thousand four hundred factory maunds of Behar, and one thousand five hundred and eighty factory maunds of Bengal opium, each factory maund containing forty seers, and each seer weighing seventy-two sicca rupees and ten annas. The opium is to be delivered in chests containing two factory maunds each. The contractor is to receive for every chest of opium of the above-mentioned weight which shall be delivered by him over and above the stipulated quantity, the sum of fifty sicca rupees per chest, in addition to the contract price.

Sixth. 5th. The Bengal opium to be delivered in the first year of the engagement, is to be equal in quality to approved Bengal opium delivered in the last year of the existing contract. That of the second year, is to be equal to approved Bengal opium of the first, and a corresponding rule is to be observed with respect to the deliveries in the two years succeeding. Similar conditions are also made with respect to the opium to be provided in Behar. Three chests of approved Bengal, and the same number of approved Behar opium, of the years from the supplies of which the musters are to be taken, will be deposited at the office of the Board of Trade, as a standard for ascertaining the quality of the opium delivered. The deliveries shall be compared with the musters by one of the members of the Hospital Board, and a person appointed by the Board of Trade; and any disputes that may arise between the officers of Government and the contractor regarding the quality of the opium, will be determined by three creditable persons to be appointed by Government, who shall be bound by oath to decide impartially.

By whom the deliveries are to be compared with the musters, and disputes regarding the quality of the opium decided.

Penalty to be paid by the contractor for short deliveries, advances for the quantity deficient to be refunded with interest.

Contractor to pay no penalty on deficiencies proved to have been occasioned by damages done to the crops by calamities of season, but only to refund the advances with interest.

Seventh. 6th. The contractor shall pay to the Company, a penalty of three hundred sicca rupees per chest, for every chest of opium short of the stipulated quantity of which he shall fail in the delivery; and refund the amount of the advances made to him for the provision of the quantity so deficient; but should either the whole, or any part of such deficiency be occasioned by hail storms, hurricanes, or any other calamity of season affecting the crops, the contractor is not to be subject to the payment of the penalty for such part of the quantity deficient as he may prove to the satisfaction of the collector of the district, and the Governor General in Council, to have been occasioned by such calamity; and in that case, he shall only refund the amount of the advances with an interest of eight per cent. per annum, for the time he may have had the use of it. The contractor, within five days after such calamity shall have occurred, must represent the same to the collector of the district, in order that he may take the necessary measures for ascertaining the loss occasioned thereby, as directed in the seventeenth article. Should the contractor omit to inform the collector of the calamity within such period, no remission of the penalty will be allowed him for deficiencies occasioned thereby in his deliveries.

Opium to be delivered in Calcutta to the Board of Trade.

All risk and charges previous to delivery to be on account of the contractor.

Penalty to be paid by the contractor on opium which he may provide and not deliver to the Company.

Eighth. 7th. The opium is to be delivered by the contractor at the office of the Board of Trade in Calcutta. The charges of package and manufacture, and the charges and risk of transportation and delivery, are to be on account of the contractor.

Ninth. 8th. The contractor is to deliver to the Company, or their agents, all the opium that he may be able to provide, and to pay a penalty of sicca rupees seven hundred and fifty for every chest of opium that he may sell, barter, or otherwise dispose of, to any other person or persons whomsoever.

Duty of two and a half per cent. to be paid in Benares, and in the Company's provinces, on opium imported from the territories of the Vizier.

Contractors not liable to the payment of any duty on the opium provided in Bengal or Behar. Contractor for Bengal opium not to provide opium the produce of Behar or Benares.

Tenth. 9th. The contractor is to pay to the Rajah of Benares, a duty of two and a half per cent. on all opium imported by him from the dominions of the Nabob Vizier on the valuation specified in His Excellency's *rowannah*, and two and a half per cent. on its entering the Company's provinces on the valuation inserted in the Benares *rowannah*, which will be the same as that specified in the *rowannah* granted by the officers of the Nabob Vizier. The contractor is not to be liable to the payment of any duties on the opium provided by him in Bengal or Behar. The contractor for the Bengal opium, is not to import or provide any opium the produce of Behar or Benares, under pain of the same being confiscated; and the contractor for the Behar opium is not to import or provide any opium the produce of Bengal or Benares, under the penalty above mentioned. Should however the same person contract for the provision of the opium of two or more of the above countries, these restrictions are not to operate with regard to the opium produced within the countries included in his contract.

Eleventh. 10th. Government will deliver over to the contractor for the purpose of manufacturing the opium, such houses and godowns belonging to the Company in Bengal and in Behar, as may be now in the possession of the present contractors, upon condition of his redelivering them to Government at the expiration of his contract, in the same state of repair in which they may be made over to him. The contractor is to defray the charges of whatever repairs may be required for the godowns or houses, from the period of their being made over to him, to the time of their being redelivered by him to the officers of the Company.

Stipulation with regard to godowns belonging to Government.

Twelfth. 11th. The contractor is to be amenable to the courts of *dewanny adawlut* in all matters relating to his contract, with the right of appeal from the decisions of the *zillah* and city courts to the provincial courts of appeal, and from the decrees of the provincial courts to the Sudder Dewanny Adawlut, in causes which may be appealable to that court, subject to the several rules and restrictions that are or may be prescribed by the judicial regulations. The judges of the *dewanny adawlut* of the several *zillahs* are to take cognizance of all causes, respecting opium, instituted by the contractor, or his agents, against the *ryots* or others concerned in the provision or manufacture of that article, or by the latter against the former, and proceed to try and decide upon the same in preference to any other suits that may be pending in their courts; and they shall award damages against the party cast according to the circumstances of the case, and the usages observed in all other suits.

Contractors and their officers and agents, amenable to the courts of civil judicature, in all matters relating to their contract.

Thirteenth. 12th. The contractor is to be responsible for the acts of his agents, *gomastahs*, and all persons employed by him, and to bind himself to satisfy all decrees that may be passed by the courts of *dewanny adawlut* against him, his agents, *gomastahs*, or the persons employed by him, from whom he is to take such security as he may think proper before he entertains them.

Contractor made responsible for the acts of all persons employed by him, and to bind himself to make good all decrees passed against them.

Fourteenth. 13th. In lieu of the *khoshkhereed*, or advanced price of eight annas per seer, paid by the contractor previous to the existing contract for every seer of opium produced in the several *pergunnahs* in Behar over and above the *tydaad*, or standard produce of 1185, and which *khoshkhereed* price was abolished upon the conclusion of the present contract, the contractor is to pay to the *ryots* an increase of two annas per seer on the gross produce of the *soobah*, as specified in the account in the fifteenth article. The *ryots* of Boglipore, Calgong, and Monyheary, in Bengal, are to receive in lieu of the *khoshkhereed* formerly paid to them, the advanced price on the gross produce as specified in the account above mentioned.

In Behar, two annas per *seer* increased price to be paid to the *ryots* generally, in lieu of the *khoshkhereed* price.

Advanced price to be paid in lieu of the *khoshkhereed* in Boglipore, Calgong, and Monyheary.

Fifteenth. 14th. The contractor is not to levy the cesses in Behar, known by the names of *beeshy*, *beeshy mamooly*, *russoom*, *bishenpereet*, nor any other cesses or *abwaubs* whatever, although the same should not be specified in the account inserted in the following article, (*chellaun* or allowance for the drying up and wastage of the crude material in transporting it from the *pergunnahs* to the place of manufacture excepted, as authorized in the following article,) under pain of being obliged to refund the amount, and to pay a penalty of three times the sum to the party from whom it may have been exacted, together with such costs of suit, as such party may have incurred in the prosecution of his complaint in the *dewanny adawlut*.

Contractor in Behar not to levy the cesses herein specified, nor any other cesses.

Penalty.

Sixteenth. 15th. The contractor is to pay the following prices to the *ryots* for their opium, and to advance the same to them at the customary periods. It is however to be clearly and particularly understood, that the *ryots* are to have it entirely at their option to cultivate the poppy or not, as they may think proper.

Price to be paid by the contractors for the opium.

Ryots to have the option of cultivating the poppy or not as they may think proper.

DISTRICTS OR PERGUNNAHS.	Account particulars of the number of Sa. Rs. comprised in each seer of opium, including *assul* or the original weight, and *abwaub* or cesses, and the price paid for the same by former contractors.										Abwaub, or cesses per seer now abolished						Account particulars of the number of Sa Rs. to be comprised in each seer as fixed for the contract proposed to be entered into, with the price to be paid for each seer to the cultivators of the poppy.				Price per seer to be paid by the contractor to the *ryots*.		
	Number of Sa Rs. comprised in the *assul* or original established seer in each district or *pergunnah*.	Abwaub or cesses, levied by former contractors.							Price paid by former contractors per seer, including *assul* and *abwaub*.	*Hussoom*, Sa. Rs. per seer.	*Beesky*, Sa. Rs. per seer.	*Beesky mamooly*, Sa. Rs. per seer.	*Chellaun*, Sa. Rs. per seer.	Total abwaub abolished, per seer, Sa. Rs.	Remains original establish. seer, Sa. Rs.	Loss of *chellaun* now added per seer, Sa. Rs.	Total seer including *chellaun*, Sa. Rs.	Paid by former contractors.	Add 2 annas per seer, in lieu of *khoosh kheed*	Total price per seer to be paid in future by the contractor to the *ryots*.
		Hussoom, Sa. Rs. per seer.	*Beesky*, Sa. Rs. per seer.	*Beesky mamooly*, Sa. Rs. per sr.	*Chellaun*, Sa. Rs. p. s.	Total abwaub or cesses, Sa. Rs. per seer.	Total seer, *assul*, and *abwaub*, Sa. Rs.															
Sircar Sarun,	80 0	5 0 0	8 0		1 0	17 0 0	97 0 0	St Rs1 12 0	5 0 0	8 0		4 0	17 0 0	80 0	2	82 0	St. Rs 1 12 0	2	St.Rs. 1 14 0
Cusmar,	80 0	2 8 0	4 10		4 2	11 2 0	91 2 0	SaRs1 12 0	2 8 0	4 10		4 2	11 2 0	80 0	2	82 0	Sa. Rs.1 12 0	2	Sa.Rs. 1 14 0
Azeemabad, opium weighed at the contractor's godown at Patna,	80 0		12 0			12 0 0	92 0 0	Do. 2 0 0		12 0		0	12 0 0	80 0		80 0	Ditto 2 0 0	2	Ditto 2 2 0
Khas Hadgrepore,	90 0	1 6 6	9 0		4 8	14 14 6	104 14 6	Do. 2 0 0	1 6 6	9 0		4 8	14 14 6	90 0	2	92 0	Ditto 2 0 0	2	Ditto 2 2 0
Sumbursa&Ekrungurjole,	92 0	1 7 0	11 9		4 10	17 10 0	109 10 0	Do. 1 13 0	1 7 0	11 9		4 10	17 10 0	92 0	2	94 0	Ditto 1 13 0	2	Ditto 1 15 0
Budsellah & Murrowrah,	92 0	1 7 0	15 10		4 10	21 11 0	113 11 0	Do. 1 13 0	1 7 0	15 10		4 10	21 11 0	92 0	2	94 0	Ditto 1 13 0	2	Ditto 1 15 0
Rutty Guddassin,	92 0	1 7 0	13 14		4 10	19 15 0	111 15 0	St Rs1 13 0	1 7 0	13 14		4 10	19 15 0	92 0	2	94 0	St. Rs 1 13 0	2	St. Rs 1 15 0
Sarissa,	92 0	1 7 0	13 14		4 10	19 15 0	111 15 0	Do. 1 12 0	1 7 0	13 14		4 10	19 15 0	92 0	2	94 0	Ditto 1 12 0	2	Ditto 1 14 0
Cusma,	88 0	1 6 0	11 0		4 6	16 12 0	104 12 0	Do. 1 12 0	1 7 0	11 0		4 6	16 12 0	88 0	2	90 0	Ditto 1 12 0	2	Ditto 1 14 0
Tirhoot under Hadgepore,	88 0	1 6 0	8 12		4 6	14 8 0	102 8 0	Do. 1 12 0	1 6 0	8 12		4 6	14 8 0	88 0	2	90 0	Ditto 1 12 0	2	Ditto 1 14 0
Nursingpore Korah, the opium delivered at Patna,	72 10						72 10 0	Do. 1 8 0						72 10		72 10	Ditto 1 8 0	2	Ditto 1 10 0
Foolwarry,	80 0			3 8	4 0	7 8 0	87 8 0	SaRs2 1 0			3 8	4 0		80 0	2	82 0	Sa. Rs.2 1 0	2	Sa Rs. 2 3 0
Gyaspore,	84 0		10 12		4 4	15 0 0	99 0 0	Do. 1 12 0		10 12		4 4	15 0 0	84 0	2	86 0	Ditto 1 12 0	2	Do. 1 14 0
Nyapore and Burragong,	84 0		10 12		4 4	15 0 0	99 0 0	Do. 1 12 0		10 12		1 0	15 0 0	84 0	2	86 0	Ditto 1 12 0	2	Do. 1 14 0
Beempore,	80 0		10 0		4 0	14 0 0	94 0 0	Do. 1 10 0		10 0		4 0	14 0 0	80 0	2	82 0	Ditto 1 10 0	2	Do. 1 12 0
Munneer,	80 0		9 0		4 0	13 0 0	93 0 0	Do. 1 12 0		9 0		4 0	13 0 0	80 0	2	82 0	Ditto 1 12 0	2	Do. 1 14 0
Daudnagur,	60 0		12 0		3 0	15 0 0	75 0 0	Do. 1 4 0		12 0		3 0	15 0 0	60 0	2	62 0	Ditto 1 4 0	2	Do. 1 6 0
Sandah Baliah,	80 0	2 8 0	9 8		4 0	16 0 0	96 0 0	Do. 1 12 6	2 8 0	9 8		4 0	16 0 0	80 0	2	82 0	Ditto 1 12 6	2	Do 1 14 6
Behar Khaas,	90 0		13 8		4 8	18 0 0	108 0 0	Do. 1 14 0		13 8		4 8	18 0 0	90 0	2	92 0	Ditto 1 14 0	2	Do. 2 0 0
Tillarah,	80 0	2 4 0	11 12		4 0	21 0 0	101 0 0	Do. 1 12 6	2 4 0	14 12		4 0	21 0 0	80 0	2	82 0	Ditto 1 12 6	2	Do. 1 14 6
Joaffar,	60 0		13 0		3 0	16 0 0	76 0 0	Do. 1 4 0		13 0		3 0	16 0 0	60 0	2	62 0	Ditto 1 4 0	2	Do. 1 6 0
Shakeporah,	65 0		16 12		3 4	20 0 0	85 0 0	Do. 1 5 0		16 12		3 4	20 0 0	65 0	2	67 0	Ditto 1 5 0	2	Do. 1 7 0
Warris Gunge, Kadar Gunge, Lutchwar, and Noorserae,	65 0		12 12		3 4	16 0 0	81 0 0	Do. 1 5 0		12 12		3 4	16 0 0	65 0	2	67 0	Ditto 1 5 0	2	Do. 1 7 0
Mudderdee,	72 0		8 8		3 8	12 0 0	84 0 0	Do. 1 5 0		8 8		3 8	12 0 0	72 0	2	74 0	Ditto 1 5 0	2	Do. 1 7 0
Hilsah,	68 0	6 6 0	12 4		3 6	22 0 0	90 0 0	Do. 1 6 0	6 6 0	12 4		3 6	22 0 0	68 0	2	70 0	Ditto 1 6 0	2	Do. 1 8 0
Chynpore Khaas,	96 0	0 12 0	13 8		4 12	19 0 0	115 0 0	Ben. Sa.Rs 17sun2 8 0 St. Rs. 10sun1 5 0 Pat. St. Rs. 1 4 0	0 12 0	13 8		4 12	19 0 0	96 0	2	98 0	Ben. Sa. Rs. 17 sun.2 8 0 St. Rs. 10 sun.1 5 0 Pat. St. Rs. 1 4 0	2	Bengal Sa Rs. 17 sun 2 10 0 St Rs. 10 sun 1 7 0 Pat. St. Rs. 1 6 0
Sasseram and Tillotoo,	60 0	0 12 0	9 4		3 0	13 0 0	73 0 0		0 12 0	9 4		3 0	13 0 0	60 0	2	62 0		2	
Arrah, in Shahabad,	60 0	0 12 0	6 4		3 0	10 0 0	70 0 0		0 12 0	6 4		3 0	10 0 0	60 0	2	62 0		2	
Powar, Peroo, Nunnore, Beluere, Bojepore, and Dinwar,	60 0	0 12 0	7 4		3 0	11 0 0	71 0 0	Do. 1 4 0	0 12 0	7 4		3 0	11 0 0	60 0	2	62 0	Ditto 1 4 0	2	Do. 1 6 0
Sonnout, Ekyel, Okyree, Bellour, Kaber, Dader, Mahere, Parah Shairgatty, Seris, Cotumba, & Cherkawun,	64 0	2 0 0	13 13		3 3	19 0 0	83 0 0	SaRs1 6 0	2 0 0	13 13		3 3	19 0 0	64 0	2	66 0	Sa. Rs.1 6 0	2	Sa. Rs.1 8 0
Arwul Mussowrah,	64 0	2 0 0	10 3		3 3	16 0 0	80 0 0	Do. 1 6 0	2 0 0	10 13		3 3	19 0 0	64 0	2	66 0	Ditto 1 6 0	2	Do. 1 8 0

IN BENGAL.

	Account particulars of the number of Sa. Rupees comprised in each seer of opium, including the *assul* or original weight, and the *abwaub* or cesses, and the price paid for the same by the former contractors				*Abwaub* or cesses abolished *mamool*	Account particulars of the number of Sicca Rupees to be comprised in each seer as fixed for the contract proposed to be entered into, with the price to be paid for each seer to the cultivators of the poppy			
						Price per seer to be paid by the contractor to the *ryots*.			
	Number of Sa. Rs comprised in the *assul* or original established seer in each district, *pergunnah*, &c	Cess of *mamool* levied by former contractors per seer, Sicca Rupees	Total seer *assul* and *abwaub*.	Price per seer *assul* and *abwaub*, paid by former contractors	*Mamool* per seer, Sa Rs	Remains original established seer, being the neat weight to be received by the contractor	Paid by former contractors	Add per seer in lieu of *khoshkhereed* or advanced price on the surplus quantity, now abolished.	Total price per seer to be paid in future by the contractor to the *ryots*.
IN BEHAR.									
Monghir, ...	88	17	105	Sa.R 2 5 0	17	88	2 5	2 0	Sa.R. 2 7 0
IN BENGAL.									
Boglepore and Calgong, ...	101	19	120	do. 2 8 0	19	101	2 8	4 0	do. 2 12 0
Monyheary, ...	101	19	120	do. 3 0 0	19	101	3 0	0 6	do. 3 0 6
Contacuse, in Rajemaul, ...	101	9½	110½	do 3 0 0	9½	101	3 0		do. 3 0 0
Nogoreah in ditto,...	101	19	120	do. 3 0 0	19	101	3 0		do 3 0 0

PURNEAH	Rates, weights, &c as taken by former contractors.			Cesses abolished.	Weight to be taken by the future contractors, Sicca Rupees.	Price to be paid by the future contractor.
	Rates of opium per seer.	Weight of the seer in Sa. Rs	Cess of *mamool*			
Gondwarrah, Simiriah, including *pergunnahs* Cudwah, Cuttiar, and Comarypore, Bhowsee, including *pergunnahs* Havily, Sultanpore, Sirrupare Futtehpore, Singhia, and Gorarree	13 chattacks per rupee.	72 10	.....	....	72 10	13 chattacks per rupee.
Baruagur and Bhowannypore, ...	15 chattacks per rupee.	72 10	1 an per rupee on the advances *gomastah s russoom*	1 an. per rupee on the advances *gomastah s russoom.*	72 10	14 chattacks per rupee.
Natpore, including Dhupper, and Hurrawut	1 seer and 1 chattack per rupee.	68 0	1 an per rupee on the balances *gomastah s russoom*	1 an. per rupee on the balances *gomastah's russoom*	68 0	1 seer and 1 chattack per rupee

RUNGPORE, &c.	Factory names in the several *pergunnahs*.	Weight in Sa. Rs. the established seer	*Chellaun.*	Total seer	Price paid per seer in Rungpore currency.
Kankneah,	Salmoney,	126	4	130	2 4
Ditto,	Poorumbarry,	126	4	130	2 4
Pangah,	Chandamarry,	124	4	128	2 5
Baharbund,	Durgapore,	123	3	126	2 8
Betrebund,	Dunhutta,	120	4	124	2 6
Cooch Behar,	Gidalda,	126	4	130	2 5

The

The advances from the contractor to the *ryots* in Sircar Sarun, Rutty, Guddassin, Sarissa, Cusmar, Tirhoot, Nursingpore Korah, Chynpore Khaas, Sasseram, and Tillotoo, Arrah, Powar, Peroo, Nunnore, Behere, Bojepore, and Dinwar, are to be made, agreeably to the third article, in sicca rupees. The *batta* between these and the different species of rupees in which the advances have been heretofore paid, as specified in the preceding account, is to be the same as it is and has been under the existing contract.

Nature of the engagements which the contractor is to take from the cultivators of the poppy.

Seventeenth. 16th. The contractor, or his agent, at the season for sowing the poppy, is to be allowed to take engagements from the cultivator for the specific number of *beeghas* to be cultivated only, and not also, as was once the practice, for the specific quantity of opium to be produced in those *beeghas*. When the poppy shall be full grown, the contractor is then to depute his agent, who, with the cultivator, shall proceed into the field, and with the assistance of two or three other creditable cultivators, form the estimate of what such field is to produce, whereupon the grower is to enter into an engagement to deliver so much; and, should the field produce more, to deliver that also *pro rato*.

Stipulations regarding injury to the crops arising from calamities of season.

Eighteenth. 17th. In the event of the crops being injured by hail storms, hurricanes, or any other calamity of season, either previous or subsequent to the completion of the estimate of the produce directed to be formed in the preceding article, the collector of the district, upon application being made to him by the contractor, within five days after such calamity shall have happened, is to depute an *ameen* to ascertain, in conjunction with the agents of the contractors, and the *ryots*, the actual extent of the loss occasioned thereby. The charges of *ameens* so deputed, are to be defrayed by the contractor.

Contractors not to confine or beat persons, or levy fines from them, or do the other acts herein prohibited under the specified penalties.

Nineteenth. 18th. The contractor and his agents, are not to confine, beat, or distrain the property of any *ryot*, or person, engaging for the provision of opium, nor to levy any *tullubanah*, fines, or *salamy* from any such person, under pain of being obliged to refund three times the amount to the party from whom such exaction shall have been made, and being further compelled to pay to the complainant the amount of the costs, or damages, incurred by him in the prosecution of his suit for the recovery thereof in the *dewanny adawlut*.

Weights and scales for weighing the opium, to be sealed by the magistrate of the district.

Twentieth. 19th. The weights and scales made use of in the *kotees*, or warehouses, in the different *pergunnahs*, for weighing the opium received from the *ryots*, are to be sealed with the seal of the magistrate of the district, and examined annually by him, or by such person as he shall think proper to appoint for that purpose, during the month of January. The contractor, or his agents, making use of weights or scales not so sealed, or of uneven scales or deficient weights, although sealed, to be liable to such fine as the judge may think proper to impose. In weighing the opium, the scales are not to be held up in the hands of the *tundeedar*, or native weighman, but the opium is to be weighed in the presence of both parties, in the mode known under the denomination of *dhermn dundee* (or fair and conscientious weighing), by the scales being poised on a wooden stand fixed in the earth.

Stipulations regarding *ryots* who may not deliver the full quantity of opium agreed for.

Twenty-first. 20th. In the event of the cultivator failing to deliver the full quantity of opium agreed for by him in the manner specified in the sixteenth article, the undermentioned consequences are to follow:—

Cultivator to refund the advances with interest of eight per cent. if the failure shall not have proceeded from any fault on his part

First. If the failure be occasioned by no fault on his part, he is only to refund the proportional part of the advance received by him, with interest at the rate of eight per cent. per annum for the time he may have had the use of it, and without any other *mulct*, penalty, or fine whatever.

Penalty to which cultivators are liable for failures proceeding from neglect or embezzlement.

Second. If the contractor shall suspect, or believe, the cause of failure to be in the wilful neglect or embezzlement of the *ryot*, he is to complain to the judge of the *dewanny adawlut* of the *zillah*, and upon proof of its having been owing to neglect, the judge is to award that the *ryot* shall restore the proportional advance, with interest at the rate of twelve per cent. per annum; and if from embezzlement, or otherwise disposing of it, the judge is to punish such offence by imposing a fine of four sicca rupees per seer, and confiscating the opium where it can be seized, and, where it cannot be seized, by imposing a fine of ten sicca rupees per seer, to be levied by the process for enforcing decrees prescribed by the Regulations.

Cultivators to be liable to no penalty from failures

Third. The *ryot* is not to be liable to any penalty for breach of contract, except in case of embezzlement, unless it shall appear, and be proved, that he had in his hands, at the period

riod of the failure, unliquidated advances from the contractor; but where he wilfully embezzles the crude material, by selling or disposing of it to others, although without having at such time any of the advances of the contractor in his hands, the contractor is to complain against him to the judge of the *adawlut* of the *zillah*, in which such person shall reside, and the judge is to punish such offence in the mode pointed out in the second clause of this article.

unless they have unliquidated advances in their hands. Exception to the rule.

Twenty-second. 21st. Where the *ryot* mixes water with the crude material with a view to increase the weight of it, and brings it in that state to be delivered, the contractor or his agent is to appoint two or more creditable opium growers to decide on their *dherm* or conscience, what surplus quantity or *keirdah* shall be taken for such increase of weight by the undue admixture of water; and the parties shall abide by their award, unless it shall be proved to the satisfaction of the judge that the arbitrators have been guilty of partiality.

Contractor and his agents how to proceed against cultivators who mix water with the crude opium.

Twenty-third. 22d. Where the crude material shall be delivered in by the growers in an adulterated state, as by the mixture of foreign ingredients, (exclusive of the water noticed in the preceding article,) the contractor may immediately seize on, and declare the same confiscated, sealing it up, at the same time, in the presence of the *ryot*, and under his mark, and in the presence of two or more creditable witnesses, depositing it also in a secure and separate place, and leaving the *ryot* to have recourse against him to the judicial power, for which purpose, he is to keep the said opium, thus sealed up, for three weeks; and if, in that time, the *ryot* shall not lodge his complaint, it shall not be afterwards heard, and the contractor may then open the said opium, and sell it for his own advantage for local consumption, liable to such fine as Government may think proper to impose, should it ever be proved that he made up any part of such adulterated and condemned opium in that which he is to deliver to the Company.

Contractor how to proceed where cultivators deliver in adulterated opium.

Twenty-fourth. 23d. Should the *zemindars*, or other proprietors of land, or any farmer of land, or their agents, exact more from the *ryots* on account of their opium lands than the established rates, the contractor or the *ryot* from whom such exactions may be made, is to be at liberty to prosecute the person guilty of such exactions before the judge, who shall forthwith enquire into the same, and grant redress.

Proprietors and farmers of lands how to be proceeded against, in case they attempt to increase the rents of the poppy lands.

Twenty-fifth. 24th. The contractor is to be subject to the payment of certain charitable allowances to Brahmins, and indulgences to the head cultivators, in the *soobah* of Behar, amounting annually to about seventeen thousand rupees. He is also to be subject to the annual payment of rupees four hundred and seventy-seven, on account of indulgencies to the head cultivators, charitable allowances, &c. at Monghir in Behar. A statement of the particulars of these allowances is deposited in the office of the secretary to the Government.

Pensions to be paid by the contractor in Behar.

Twenty-sixth. 25th. Should any disputes arise between the contractor or his agent, and the *ryots* or others, relative to the cultivation, provision, or transportation of opium, not provided for in the preceding articles, either party is to be at liberty to apply for redress to the court of *dewanny adawlut* of the *zillah*, the judge of which will pass such decision as he may think equitable upon a consideration of the circumstances of the case.

Disputes regarding matters not provided for in the preceding articles to be determined in the courts of justice.

Twenty-seventh. 26th. Government are to engage to take such measures as they may think most effectual to prevent Europeans and others from smuggling opium, or otherwise carrying on an illicit traffic therein.

Government to take measures to prevent Europeans and others from smuggling opium.

III. The contractor for the opium in Benares is prohibited importing or providing any opium the produce of Behar or Bengal, under pain of the same being confiscated.

Contractor for the opium in Benares not to provide any opium the produce of Bengal and Behar. Penalty.

IV. If any British subject shall be convicted to the satisfaction of the Governor General in Council, of having been concerned in any illicit trade in opium, in opposition to the regulations of government limiting the provision and manufacture of opium to the public contractors, he shall be liable to forfeit the Company's protection, and to be sent to Europe.

British subjects liable to be sent to Europe for illicit trade in opium.

V. All persons not European British subjects, who may be proved to have purchased smuggled opium, or in whose possession smuggled opium may be found, shall be liable to the same fines as are directed to be imposed on *ryots* selling or embezzling opium, viz. four sicca rupees per seer, in addition to the confiscation of the opium when it can be seized, and when it cannot be seized, ten sicca rupees per seer, recoverable in the *dewanny adawlut* by the

Penalty to which persons are declared liable for being concerned in or conniving at illicit trade in opium.

the process laid down in the Regulations, one-half of such fines, as well as of the neat proceeds of the opium confiscated, is to be paid to the informer, and the other moiety to Government.

Rule applied to proprietors and farmers of land.

Zemindars, or other proprietors of land, or farmers of land holding farms immediately of Government, (when not themselves the purchasers or possessors of the opium, in which case they will be subject to the fines above mentioned,) are declared liable to the like penalty of ten sicca rupees per seer, recoverable and payable as above prescribed, for all smuggled opium which may be proved to have been sold within the limits of their estates or farms with their connivance or knowledge.

Process to be observed in confiscating opium.

VI When any opium shall be seized, it shall be delivered to the judge of the *zillah* or city, who is to issue a publication, notifying, that if no claimants thereto shall appear within one month, it will be confiscated. If any claimant shall in consequence appear within the limited period, the judge is to investigate and decide on his right to the opium, and in the event of his deciding against the claimant, or of no person appearing to claim the opium, he is to report the circumstances to the Governor General in Council, who will furnish him with directions regarding the disposal of it.

A. D. 1793. REGULATION XXXIII.

A REGULATION *for re-enacting, with Modifications, the Rules passed on the* 11*th February, and* 21*st October* 1791, *for repairing the Embankments kept in Repair at the public Expence; and for encouraging the digging of Tanks or Reservoirs, and Watercourses, and making Embankments.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysuak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

IT being necessary that provision should be made for the annual repair of certain embankments in different parts of the country which have been considered as public works, and have been kept in repair at the expence of Government in consequence of their great extent, and the damage to which the districts and places for the protection of which they have been constructed would be liable from inundation, in the event of their not receiving the necessary annual repairs; and their being the strongest grounds for believing, that if the embankments, reservoirs, and watercourses, in the estates of individuals, which are not considered as public works, were enlarged, or put into a proper state of repair, and new works of the same nature made where necessary and practicable, a sufficient portion of the crops might be preserved in seasons of drought or inundation for the subsistence of the body of the people, and consequently the recurrence of the miseries which this country has so often suffered from famine, be prevented; and the Governor General in Council being therefore solicitous to encourage proprietors, farmers, and cultivators of land, to undertake these important improvements in their estates and lands, he passed certain regulations applicable to the above considerations on the 11th of February, and 21st October, 1791, which are hereby re-enacted, with modifications.

Care and superintendence of embankments vested in the collector.

II. The care and superintendence of embankments which are considered as public works, and are annually repaired at the expence of Government, and also of embankments in estates, the temporary charge and repair of which may devolve on Government, in consequence of the removal of the proprietors from the management of their lands, or other cause, is vested in the collector of the* zillah *in which the works may be situated.*

Collectors to report the state of such embankments, and the estimated expence of the repairs which they may require. Report and estimate to be submitted by the Board of Revenue to the Governor General in Council, with their opinion whether the work ought to be performed by a professional person.

III. The Board of Revenue are to require the collectors to report annually in due season the state of such embankments, and to transmit an estimate of the expence of the repairs which they may require. The Board of Revenue are to submit the report and estimate to the Governor General in Council, with their opinion whether the work to be performed is of such a nature as to require the assistance of an engineer officer, or other professional person.

Where a professional person shall not be appointed, the collector is to commit the

IV. In cases in which it may be deemed unnecessary to employ a professional person to execute the work, the Board of Revenue, upon receiving the orders of the Governor General in Council for that purpose, are to direct the collector of the zillah *to commit the*

* Sect. 2. to 7. rescinded by Section 2, Regulation VI. 1806.

execution of the work to a careful officer.

execution of the work to a careful officer, with instructions to forward to him a weekly return of the number of workmen employed, the rate of their wages, the materials, tools, or implements, expended or purchased, and a report of the work performed during the course of the week.

Rules for the guidance of professional persons deputed to make the repairs.

V. If a professional person shall be employed to make the repairs, he is to survey the embankments, and transmit to the Board of Revenue for the approbation of the Governor General in Council, a statement of the repairs, or any additional works that may be required, with an estimate of the expence of them. The Board of Revenue however are empowered, in cases in which it may appear to them expedient, to authorize such professional person, or the collector (where a professional person shall not be employed) to commence such part of the work as it may be deemed indispensably necessary to complete without delay, previous to receiving the survey or estimate, or, where these documents shall have been transmitted to them, without waiting for their being approved by the Governor General in Council.

Accounts to be rendered to the collector by professional persons deputed under this regulation.

Professional person to indent upon the collector for materials and implements.

Collector to furnish them at the lowest price.

VI. Professional persons employed under this regulation, are to prepare and sign a daily or weekly return of the number of workmen employed on the embankments, which shall be delivered to an officer to be appointed by the collector, who is to pay the workmen according to the return, transmitting it to the collector as a voucher for the money disbursed. The professional person so employed, is to transmit to the collector an indent for such materials, tools, or implements, as may be necessary for carrying on the work, with an estimate of the cost of them, and the collector shall furnish them at the lowest price at which they may be procurable.

Collectors to deposit one copy of the disbursements in the cutcherree *of the* zillah, *and to send another to the Board of Revenue.*

VII. The collectors to whom the care and superintendence of the repair of embankments is, or may be committed, (whether the work shall have been executed by a professional person or an officer appointed by them,) are to prepare two copies of the accounts of their expenditures in the Bengal and English languages, in Bengal; and in the Persian and English languages, in Behar; and to deposit one copy in the cutcherree *of the* zillah *for general inspection, and to transmit the other to the Board of Revenue.*

Advances to be issued to individuals for repairing or making embankments, reservoirs or watercourses.

VIII. Advances shall be made to proprietors, or farmers of land, or dependant *talookdars*, or under-farmers, or *ryots*, for the purpose of repairing or making embankments, or repairing, enlarging, or making tanks, reservoirs, or watercourses, under the conditions specified in the following sections.

Applications for such advances to whom to be made, and what to contain.

Persons not the proprietors of the lands, applying for advances, to give the security herein required,

if proprietors, they are not to give security, but their estates to be responsible for the repayment of the advance, interest, and penalty.

IX. The applications for such advances are to be made in writing to the collector of the *zillah*, and are to specify the nature and extent of the work for which they are required, the period by which it will be completed, and the amount of the advance solicited. If a person applying for advances, shall not be the proprietor of the lands for the benefit of which the works are to be made, he is to give security for the repayment of the advance with interest, and also for the payment of the penalty to be exacted in the cases mentioned in Section 10, and shall specify in his application the security he may have to offer. If the person making the application, shall be the proprietor of the lands for the benefit of which the works are intended, he is not to be required to give security, but his lands are to be held responsible for the repayment of the advance with interest, and for the eventual discharge of the penalty.

Engagement to be executed by persons receiving advances, and their sureties

X. Persons receiving advances, and (if they be not the proprietors of the land) their sureties, are to bind themselves to repay the amount at such period, or periods, as may be agreed upon between them and the collector, with interest at the rate of twelve per cent. per annum, and also to pay a penalty of twenty-five per cent. on the amount advanced, in the event of the works not being completed by the stipulated period, or of the money not being applied to the purpose for which it may have been advanced.

Collector how to proceed with such applications.

Board of Revenue empowered to comply with them.

XI. The collectors, upon the receipt of such written applications, are to forward them without delay to the Board of Revenue, with any remarks which they may have to offer respecting them. The Board of Revenue, provided there shall appear to them no objection to the execution of the work proposed, and (in cases in which security is directed to be taken) they shall be satisfied of the sufficiency of the security offered for the repayment of the required advance with interest, and for the discharge of the penalty in the cases mentioned in the preceding section, are empowered to authorize the collector to make the required advance

upon the person applying for it, and (if he be not proprietor of the land) his surety, executing the prescribed engagements.

XII. Upon the arrival of the period by which such works may have been stipulated to be completed, the collector is to direct the *tehsildar*, or other officer of Government upon the spot, or such person as he may deem it proper to appoint, to survey the works, and to report in what manner they have been executed; and in the event of their not having been completed according to the engagement, and by the stipulated period, or of the money not having been applied to the purpose for which it may have been advanced, he is to levy the penalty above directed, sending immediate information to the Board of Revenue of the exaction of it.

Survey and report of the works to be made and sent to the collectors, who are empowered to levy the penalty in the cases herein specified.

XIII. The collectors are to transmit to the Board of Revenue at such periods, and in such form as they may direct, reports on the execution of the works for which advances may be made under this regulation.

Report to be made by the collectors of the execution of the works.

XIV. The Board of Revenue are empowered to receive applications for such advances in the first instance, and, provided there shall appear to them no objection to the work proposed to be executed, and the person making the application shall give the required security, and execute the prescribed deeds, to order the collector of the *zillah* to comply with it.

Board of Revenue empowered to receive applications for advances, and to order them to be complied with.

XV. If a work for which advances may be made under this regulation, shall not be completed by the stipulated period, and the person who may have received the advances can show good cause to the satisfaction of the collector for not having finished it, he is to report the circumstances to the Board of Revenue, who are empowered to allow such further time for the completion of the work, as they may judge proper.

Cases in which the Board of Revenue may extend the period fixed for completing works.

A. D. 1793. REGULATION XXXIV*.

A REGULATION *for re-enacting, with Modifications, the Rules passed on the* 16*th April* 1790, *and subsequent dates, for levying a Tax upon intoxicating Liquors and Drugs, and for preventing the illicit Manufacture and Vend of them.*—PASSED *by the Governor General in Council on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

THE *immoderate use of spirituous liquors and intoxicating drugs, having become prevalent amongst many of the lower orders of the people, from the very inconsiderable price at which they were manufactured and sold; and the proceedings of the criminal courts having evinced that the robberies and other disorders committed in the country, were in a great measure ascribable to the want of proper restrictions, on the manufacture and vend of such liquors and drugs; the Governor General in Council, with a view to prevent the perpetration of crimes, and at the same time to augment the public revenue, passed certain rules on the* 16*th of April* 1790 *and subsequent dates. Those rules are now re-enacted, with modifications.*

No person to manufacture spirituous liquors without a license from the collector.

II. All persons are prohibited from manufacturing spirituous liquors without a license from the collector of the zillah, *or the collector entrusted with the collection of the tax on spirituous liquors in the city, in which they may be desirous of distilling the liquors.*

No tax or duty to be levied on spirituous liquors but by Government.

III. No tax shall be levied on the manufacture or sale of spirituous liquors excepting on the part of Government. Any persons having claims to deductions or compensations on account of duties or taxes levied by them previous to the resumption of the abkaree *collections by Government on the* 16*th April* 1790, *are to prefer their claim to the collector, that he may investigate and report upon it to the Board of Revenue, who will decide upon it, and submit their decision for the confirmation of the Governor General in Council. The courts of judicature are not to take cognizance of any such claim, but where compensations shall have been granted, and the payment of them shall be withheld, they are empowered to take cognizance of suits to obtain payment, under the rules prescribed in similar cases with regard to compensations on account of the* sayer *in Section* 12, *Regulation XXVII.* 1793.

Manufacture and sale of spirituous liquors to be confined to certain places, to be fixed upon by the collectors.

IV. The manufacture and sale of spirituous liquors are to be confined to certain towns and villages in each zillah, *in the selection of which, the collectors are to be guided by the best information they may be able to obtain regarding the local consumption, fixing upon the places in which it is supposed to be most extensive*

A specified tax to be levied on every still.

V. A specified tax is to be levied on every still for the manufacture of spirituous liquors, and no further duties shall be exacted either upon the manufacture or vend of such liquors.

* This entire regulation is rescinded by Section 2, Regulation X. 1813.

Licensed places of manufacture and vend to be divided into three classes.

VI. First. *The towns and villages to be selected as licensed places of manufacture and vend, agreeably to the directions contained in Section 4, shall be divided into three classes, according to their size and population. Stills for the manufacture of spirituous liquors erected in such towns and villages shall be taxed at the rates undermentioned:—*

Tax on stills in places in the first class.
In the second.
In the third.

	R.	A.
Stills in cities and towns of the first class, to pay a daily tax of	1	4
Stills in towns or villages in the second class, to pay a daily tax of	0	12
Stills in towns and villages of the third class, to pay a daily tax of	0	6

Reduced rates may be fixed, where local circumstances may render it advisable.

Second. *In cases in which from local circumstances the collectors may deem it advisable to reduce the tax below the rates specified in the preceding clause, they are to state their reasons at large for the proposed reduction; and the reduced rate, when determined upon with the sanction of the Board of Revenue, is to be specified in the licenses granted to the distillers.*

In applying the rates, collectors are to be careful not to enable any of the manufacturers to undersell those in neighbouring jurisdictions.

Third. *In applying the standard rates to the places selected for public manufacture and vend, the collector is to be particularly careful not to adopt lower rates than those established at the nearest licensed places of manufacture and vend in any of the neighbouring* zillahs, *if the situations of any of the places in the two* zillahs *should be so contiguous, as to enable the distillers at the places in his own* zillah *to derive a partial advantage by underselling the distillers in the neighbouring* zillah.

No private stills to be worked without a license.
No licenses to be granted for working private stills out of the established places of manufacture and vend.
Licenses not to be granted for working stills in the neighbourhood of the three cities.

VII. All private unlicensed stills are prohibited. Persons desirous of working a still for their private use, shall take out a license on the footing of public distillers, and enter into similar engagements; but no license shall be granted for working a private still in any place whatever, excepting the established places of public manufacture and vend.

VIII. As granting licenses for working stills in places in the neighbourhood of the cities of Patna, Dacca, and Moorshedabad, would not only in a great measure defeat the object of this regulation as far as it regards the police of those cities, by affording a harbour for disorderly persons in the vicinity of them, but also injure the public revenue, by enabling the distillers in such places to undersell those residing in the cities, the collectors are not to grant licenses for working stills within such a distance of either of the three cities, as may be likely either to affect the police, or the produce of the tax on the stills worked therein. This rule is also to be applied, as far as may be necessary, to large towns, where circumstances may require it; and where any large town may be situated contiguous to either of the cities, the collector is either to grant licenses therein as if it formed a part of the city, or to adopt such arrangements as may appear to him calculated to obviate the consequences above stated.

This rule to be applied as far as may be consistent with the object of it to large towns, either situated at a distance from or contiguous to the cities.

Collectors to publish the name of the places of manufacture and vend, and the rates of licenses for each.

IX. The collectors are to publish the names of the places which may be occasionally selected for the manufacture and vend of liquors, and the rates at which licenses will be granted to distillers in each of them; and they shall cause the persons entrusted with the collection of the tax, to fix up at each place, a copy of the form of the licenses, with a specification of the penalties to which persons manufacturing or selling liquors without a license, or with a license, but out of the licensed place of vend, are liable.

Form and contents of the licenses.

X. The following is to be the general form of the licenses to be granted for the manufacture and vend of spirituous liquors in the zillahs *and cities; but where any variation may be necessary from local circumstances, the collectors are empowered to introduce it.*

"Whereas by the authority of the Governor General in Council, I A. B. collector of the zillah *of ——— authorize C. D. to keep a still for the manufacture of spirituous liquors in the said city, (town or village) of ——— in ——— for one year from the date hereof, it is required of him as a condition of this license remaining in force, that he duly and faithfully perform and abide by the conditions in the following articles:—*

1. *That for every still he pay to Government a daily tax of ———.*
2. *That such still be clearly understood to mean one vessel only, and that if he use more than one vessel, each additional vessel shall be considered as a still, and pay the tax accordingly.*

3. *That he confine the vend of the produce of his still to the said city (town or village.)*

4. *That no single vessel or still worked by him be of a size capable of containing more than fifty seers of water, each seer weighing* ——— *Sicca Rupees.*

5. *That he prevent to the utmost of his power, all drunkenness and disorder within his shop, by being careful not to sell a quantity of liquor to any person, which may endanger his intoxication.*

6. *That he will not harbour thieves or riotous persons, but on the contrary give information to the nearest magistrate or police officer, of any suspected persons who may resort to his shop.*

7. *That he do not receive any goods or wearing apparel, nor property of any kind, in barter for liquor.*

8. *That he do not open his shop until daybreak in the morning, nor keep it open after nine o'clock at night, and that he do not harbour any persons in it during the night.*

Upon any breach of the above conditions, this license shall be held to be forfeited. All officers of Government are hereby prohibited from imposing or exacting any tax or cess under any pretence whatever on the said C. D. on account of the said still during the aforesaid period, beyond the tax herein specified, and they are also prohibited from molesting or interrupting him in the prosecution of his profession, while he conforms to the above special provisions, and to the regulations that relate to him.

Given under my hand and seal, this ——— *day of* ——— 17 ."

Counterpart engagement to be executed by persons taking out licenses.

XI. Persons receiving licenses are to execute a counterpart engagement in the following form:—

"*I C. D. having received from A. B. collector of the* zillah *of* ———, *a license for keeping a still for the manufacture of spirituous liquors, in the city (town or village) of* ——— *in* ———, *do hereby engage as an indispensable condition of the said license.*

1. *That for every still I will pay to Government a daily tax of* ———.

2. *That such still shall be clearly understood to mean one vessel only, and that if I use more than one vessel, each additional vessel shall be considered as a still, and pay the tax accordingly.*

3. *That I will confine the vend of the produce of my stills to the said city (or town or village) of* ———.

4. *That no single still or vessel worked by me, shall be of a size capable of containing more than fifty seers of water, each seer weighing* ——— *Sicca Rupees.*

5. *That I will prevent to the utmost of my power, all drunkenness and disorder within my shop, by being careful not to sell to any person a quantity of liquor which may endanger his intoxication.*

6. *That I will not harbour thieves nor riotous persons, but will on the contrary give information to the nearest magistrate or other police officer, of any suspected persons who may resort to my shop.*

7. *That I will not receive any goods or wearing apparel, nor property of any kind, in barter for liquor.*

8. *That I will not open my shop till daybreak in the morning, nor keep it open after nine o'clock at night, and that I will not harbour any persons during the night.*

I do solemnly engage to conform to the foregoing conditions of my license, faithfully and implicitly, and all such regulations as may be passed respecting the manufacture or vend of spirituous liquors, in default of which I shall consider myself to have forfeited the said license, and to be subject to such punishment as the Regulations of Government may prescribe.

Given under my hand and seal, this ——— *day of* ———17 ."

Tax to be levied on the pottahs, *of the* pausees *or extractors of* toddy.

XII. A tax shall be levied on toddy, *at the rate of twenty-five per cent. on the amount of the rents specified in the* pottahs *granted by the proprietors of the* toddy *trees to the* pausees, *or extractors of the* toddy.

Penalty for proprietors of toddy *trees attempting to defraud Government of the tax.*

Rule for guarding against collusive reductions of the

XIII. Proprietors of toddy *trees attempting to defraud Government, by entering into a collusion with the* pausees, *and reducing the rates of rent received by them from the* pausees *for their* toddy *trees, will on the same being proved, subject themselves to a fine equal to three times the amount of the deficiency in the receipts from the tax which may be occasioned by such collusive reduction; and to prevent any diminution of the public*

rates of the pottahs *granted to the* pausees.

public revenue from such practices, the collectors are directed, in instances in which they shall have ground to believe that any collusive reduction of the pottahs *of the* pausees *has taken place, to tax the* pausees *for the future at the customary rates of the* pergunnah *for the trees included in their* pottahs.

Collectors to keep a register of the licenses in the manner herein directed.

XIV. All licenses granted by the collectors in their respective zillahs, *shall be issued in numerical order, and a regular register kept of them, exhibiting their number, and the date of their issue, the names of the city, town, or village, and* pergunnah *in which the licensed stills are kept, the names of the persons to whom the licenses are granted, and the amount payable by them respectively for the year, together with a column of reference to the native books of record in which the licenses and* cabooleats, *or counterpart agreements, are entered at length.*

License not to be for a term exceeding one year.

XV. All licenses granted under this regulation shall be issued for one year only.

Stills not to be established within two coss *of the military cantonments herein mentioned.*

XVI. The collectors are not to authorize the establishment of stills for the manufacture of spirituous liquors, within two coss *of the military cantonments of Barrackpore, Berhampore, or Dinapore.*

Rules to be observed in removing stills established in opposition to the preceding section.

XVII When the commissaries of bazars *shall observe any shops for the sale of spirituous liquors within two* coss *of the cantonments specified in the preceding section, he shall make a report thereof to the collector of the* zillah *in which the shops may be established. The collector, on receipt of this report, shall appoint a person to accompany an officer on the part of the commissary for the purpose of ascertaining the actual distance of the shops from the cantonments, and by measurement if necessary. If the shops shall be found to be within the limited distance, the collector is to remove them.*

Bang, *and other intoxicating drugs, to be taxed annually, and not to be sold without a license.*

XVIII. Bang, ganja, cherrus, *and other intoxicating drugs, shall be subject to a tax to be fixed annually by the Board of Revenue with the sanction of the Governor General in Council, and no person shall manufacture or vend any such drugs, without a license from the collector of the* zillah.

Orders of 1782, *prohibiting the sale of liquors within ten miles of Calcutta, superseded.*

XIX. The regulations passed by the Governor General in Council in the year 1782, *prohibiting the sale of spirituous liquors within ten miles of Calcutta, are superseded by this regulation.*

Fine for illicit vend of intoxicating liquors or drugs.

XX. All persons convicted of the illicit manufacture or vend of intoxicating liquors, or drugs, shall be subject to the payment of a penalty of three times the amount of the annual rate assessed at the nearest authorized place of manufacture and vend, on stills, or on the drugs so made or sold.

A. D. 1793. REGULATION XXXV.

A REGULATION *for re-enacting, with Amendments, the Rules passed on the 20th June, 24th October, and 31st November 1792, and subsequent dates, for the Reform of the Gold and Silver Coin in Bengal, Behar, and Orissa; and for prohibiting the Currency of any Gold or Silver Coin in those Provinces, but the nineteenth Sun Sicca Rupee, and the nineteenth sun Gold Mohur, and their respective Divisions and Sub-divisions into Halves and Quarters; and for preventing the counterfeiting, defacing, or debasing of the Coin.*—PASSED *by the Governor General in Council, on the 1st May 1793; corresponding with the 21st Bysaak 1200 Bengal era; the 6th Bysaak 1200 Fussily; the 21st Bysaak 1200 Willaity; the 6th Bysaak 1850 Sumbut; and the 19th Ramzaan 1207 Higeree.*

Preamble.

THE principal districts in Bengal, Behar, and Orissa, have each a distinct silver currency, consisting either of the nineteenth *sun* sicca rupee, or old or counterfeit rupees of different *suns* or years, coined previous or subsequent to the Company's administration, which are the standard measure of value in all transactions in the districts in which they respectively circulate. The local circulation of these different sorts of rupees, originated chiefly in the following circumstances. Under the native government, it was customary to insert upon the rupees, the year in which they were struck; and the rupees coined at Patna, Dacca, and Moorshedabad, (at each of which cities there was an established mint,) bore different inscriptions, which in fact rendered the rupees issued in each year from the respective mints, a distinct species of coin. Upon the mints at Patna, Dacca, and Moorshedabad, being withdrawn soon after the commencement of the Company's administration, the proprietors and farmers of land in the interior parts of the country, who were bound by their engagements to pay the public revenue in sicca rupees, experienced considerable difficulty in obtaining those rupees, from the coinage of them being confined to Calcutta, at which place the only mint that remained in the provinces was established. They were in consequence compelled to collect the rents from the *ryots*, in the species of *sonat*, or other old rupees, of which there happened to be the greatest number in their respective districts, and which they were permitted to pay into the public treasuries at a fixed exchange. In consequence of the *ryots* being required to pay their rent in a particular sort of rupee, they of course demanded it from the manufacturers in payment for their grain, or raw material; whilst the manufacturers, actuated by similar principles with the *ryots*, required the same species of rupee from the traders who came to purchase their cloth, or other commodities. The various sorts of old rupees accordingly soon became the established currency of particular districts, and as a necessary consequence, the value of each rupee was enhanced in the district in which it was current, from being in demand for all transactions. As a further consequence, every other sort of rupees brought into the district was rejected, from being a different measure of value from that by which the inhabitants had become accustomed to estimate their property, or, if it was received, a discount was exacted upon it, equal to what the receiver would have been obliged to pay upon exchanging it at the house of a *shroff* for the rupee current in the district, or to allow upon passing it in payment to any other individual. Thus, if a

sicca rupee of the nineteenth *sun*, which is intrinsically worth about seven per cent. more than an *arcot*, was offered in payment in the Dacca province, it was either refused, or received nearly at the same value as an *arcot*; whilst the holder of *arcots*, or other sorts of rupees, who carried them into districts in which they were not current, was subject to similar loss. The proprietors and farmers of land, or the persons concerned in making their payments to the public treasuries, derived a considerable advantage from this enhanced valuation of the particular species of rupees current in their respective districts, as they were enabled to obtain credit for them in exchange for *siccas*, in which their revenues were payable, at a rate considerably exceeding their intrinsic worth. The profits which the *shroffs* or money-changers derive from this disordered state of the coin is necessarily enormous. Their agents in the different parts of the country, buy up all rupees which are brought into districts in which they are not current, and consequently at a depreciated value, and send them for sale to districts where they are the prevailing currency, and in which they dispose of them at an enhanced value to persons who have payments or purchases to make in those districts. The merchants and traders are under the necessity of submitting to the imposition, for no other rupee but the nineteenth *sun sicca* being coined at the mints, the old rupees are procurable only from the *shroffs*, and consequently they must either pay the exchange demanded, or discontinue their purchases. From this rejection of the coin current in one district, when tendered in payment in another, the merchants and traders, and the proprietors and cultivators of land in the different parts of the country, are subjected in their commercial dealings with each other to the same losses by exchange, and all the other inconveniences that would necessarily result were the several districts under separate and independent governments, each having a different coin. The money changers are the only description of people who derive any benefit from this disordered state of the coin. The loss falls upon Government and the public at large, and must be perpetual, unless the various old and counterfeit rupees now current in the different parts of the country, can be thrown out of circulation, and one species of rupee made the general standard measure of value in all transactions between individuals, and between Government and its subjects. The sicca rupee of the nineteenth *sun* is the established silver coin of the country, and the rupee in which the public revenues are payable. It was with a view to render it the general measure of value, that Government determined in the year 1773, that all rupees coined in future should bear the impression of the nineteenth *sun*, or year, of the reign of Shah Allum, and no other species of rupee (with the exception of some *arcots*) has since been coined in the Calcutta mint. The rupees of the eleventh, twelfth, and fifteenth *sun*, were indeed directed to be considered current equally with the nineteenth *sun* sicca rupee. But this was a temporary measure, intended to be continued in force only until there should be a sufficiency of the nineteenth *sun* sicca rupee introduced into circulation. The number however of these three descriptions of rupees, is of course inconsiderable, compared with the number of the nineteenth *sun* sicca rupees that have been coined since the abovementioned year, and they are so much worn as to be no longer fit for circulation. The preceding remarks evince, that it is the interest of individuals of every description, excepting the money-changers, to cooperate with Government to render the nineteenth *sun* sicca rupee generally current, and the standard of value throughout the country. Amongst the measures considered necessary to effect this important object, the following were the principal. First, to direct the officers employed in the provision of the investment, the manufacture of salt, and all commercial transactions of the Company, to make their agreements with individuals for sicca rupees of the nineteenth *sun*; for if Government in their extensive commercial dealings, and in the provision of the salt, make contracts with their subjects in other species of rupees, they must necessarily continue the measure of value where those concerns are transacted, and it would be as ineffectual to declare the nineteenth *sun* sicca rupees the only legal currency, as it would be unjust to attempt to enforce the rule. Secondly, to oblige individuals to estimate their property by the nineteenth *sun* sicca rupee, by declaring the amount of bonds and engagements entered into after a certain period, (in fixing which a time was allowed that was presumed sufficient for the introduction of the necessary number of the nineteenth *sun* sicca rupees into circulation,) whereby any sum of money might be stipulated to be paid in any species of rupees excepting the nineteenth *sun* siccas, not recoverable in any court of judicature. Thirdly, to prohibit the receipt of any rupees excepting siccas of the nineteenth *sun*, at the pub-

lic treasuries after the date above alluded to. This last measure was calculated to oblige the proprietors and farmers of land to require nineteenth *sun* sicca rupees from their under-renters and *ryots*, and consequently induce the latter to demand them from the manufacturers, who for similar reasons, would necessarily require them from the merchants and traders, and thus make it the interest of all descriptions of persons to receive the nineteenth *sun* sicca rupee, and to reject every other species of rupee, upon the principles on which they before demanded the particular rupee current in the respective districts. Fourthly, To establish mints at the cities of Patna, Dacca, and Moorshedabad, to coin precisely the same rupee as that struck at Calcutta. Without the adoption of this last arrangement, it would have been useless to declare the nineteenth *sun* sicca rupee the only legal tender of payment. For unless individuals had been afforded a ready means of procuring their old coin to be converted without loss into the new, they would have been obliged to have purchased the new money from the *shroffs*, who would have demanded an exorbitant exchange upon it, as well with a view to reap the immediate advantage, as to prevent the establishment of the general currency of the nineteenth *sun* sicca rupee. Keeping open mints in the interior parts of the country, until the circulation may be filled up with that coin, precludes the necessity of any person applying to *shroffs* for it, and consequently deprives them of their influence (which is founded on the wants and necessities of individuals) by furnishing all persons with the new money at the cheapest rate, and with the least trouble. By the operation of these rules, the various sorts of old and light rupees must in a course of time fall to their intrinsic worth compared with the *sicca* of the ninteenth *sun*, as they will produce no more in the mint, and to which they will necessarily be brought to be converted into *siccas*, as they will be no where passable or in demand as coin, from being no where a measure of value. The rules by which the gold coin has been regulated, have been productive of evils similar to those which have prevailed with regard to the silver coin. Under the native administrations, and until the year 1766, the gold mohur was not considered as a legal tender of payment in any public or private transaction, nor was the number of rupees for which it was to pass current, ever fixed by the Government. It was struck for the convenience of individuals, and the value of it in the markets fluctuated like other commodities, silver being the metal which was the general measure of value throughout the country. In the year 1766, the value of the gold coin with respect to the silver was first fixed, and the former coin declared a legal tender of payment. A gold mohur was struck, and ordered to pass for fourteen sicca rupees. But as this coin (calculating according to the relative value of the two metals) was much below the worth of the silver in the number of rupees for which it was ordered to pass, it was found impossible to render it current, and it was accordingly called in, and a new gold mohur, being that now current, was issued in 1769, which was directed to pass as a legal tender of payment for sixteen sicca rupees. The intrinsic worth of this coin, was estimated to be equal to the nominal value of it, or as nearly so as was deemed necessary to render it current at the prescribed rate. But whether owing to the effect of the orders for the introduction of the over-rated gold coin of 1766, the considerable value of the new gold mohur, and the want of divisions of it, so as to render the coin calculated for the dealings of the lower orders of the people in the interior parts of the country, or other causes, the currency of it has been confined almost entirely to Calcutta, where it has been received and paid in all public and private payments at the fixed value of sixteen sicca rupees. But this partial currency of the gold coin, has enabled the money changers to practise an abuse upon the public and individuals, of a nature similar to that which has prevailed regarding the silver. Individuals are obliged to receive gold mohurs at the full value in all payments made to them from the treasury at Calcutta. But as the coin will not pass in the interior parts of the country, the receivers are under the necessity, when they have occasion to make purchases or advances out of Calcutta, to sell their gold mohurs to a *shroff* for silver of the currency of the district in which their purchases are to be made, or, what is the same, for a bill on his house in the district payable in that currency, as the *shroff* in the latter case exacts the discount in fixing the exchange. The *shroffs* pay the gold which they thus purchase at a discount, into the treasury at Calcutta at par, whenever they have payments to make to Government. The gold mohurs are in this manner immediately thrown back upon the treasury whenever an opportunity offers, and the *shroffs* levy a discount on them as often as they are issued from it.

 The

The obstruction to the circulation of the gold coin out of Calcutta, necessarily affects its value in purchases in the markets within the town, where also a discount is frequently exacted upon it. The means which appear best calculated to render the gold mohur generally current, are to declare it receivable at all the public treasuries and in all public payments throughout the provinces, at the rate of sixteen sicca rupees; to make it a legal tender of payment in private transactions; to coin a great proportion of halves and quarters; and lastly, to impose a duty upon all gold bullion sent to the mint to be coined, so as to prevent too large a proportion of gold being introduced into circulation, by diminishing in some degree the advantage at present derived from the importation of it in preference to silver. Upon the above grounds, the regulations of the 20th June, 24th October, and 21st November, 1792, were adopted, and this detail of them, by apprizing individuals of the principles on which the coin of the country is regulated, will enable them to guard against the impositions of the money changers, who alone derive advantage from the want of a uniform gold and silver currency. The regulations above mentioned are hereby re-enacted, with amendments.

Mints established at Patna, Dacca, and Moorshedabad, in addition to the Calcutta mint.

Coin to be struck in the mints.

II. Mints have been established at the cities of Patna, Moorshedabad, and Dacca, in addition to the mint at Calcutta, in which sicca rupees and gold mohurs of the nineteenth *sun*, of the following weight and standard, and half and quarter rupees and gold mohurs, of the same standard, and proportionate weight, will be coined:—

Weight and standard of the coins.

NINETEENTH SUN GOLD MOHURS.

Troy weight,	grains	190,894—
		CARAT. GRS.
Assay compared with English standard gold, better		1 $3\frac{1}{4}$
Bengal weight,	annas	17
Bengal assay, Touch, or parts of fine gold, in 100,		$99\frac{1}{4}$
Bengal assay, Alloy,		$\frac{3}{4}$

NINETEENTH SUN SICCA RUPEE.

Troy weight,	grains	$179\frac{2}{3}$
Assay compared with English standard silver, better,	dwts.	13
Bengal weight,	annas	16
Bengal assay, Touch, or parts of fine silver, in 100,		$97\frac{11}{12}$
Bengal assay, Alloy,		$2\frac{1}{12}$

Gold mohurs of full weight and standard coined since the 20th March 1769, to be a legal tender of payment at the rate of sixteen sicca rupees.

Native officers liable to dismission, and to pay costs and damages, upon being convicted of refusing to receive the gold coin.

III. All gold mohurs of the weight and standard specified in Section 2, coined in the Calcutta mint, since the 20th March, 1769, or which may be coined in that mint, and in the mints of Patna, Dacca, and Moorshedabad, after the date of this regulation, and also their halves and quarters, are to be considered a legal tender of payment in all public and private transactions throughout the provinces of Bengal, Behar, and Orissa, at the rate of sixteen sicca rupees of the nineteenth *sun*, for each mohur, and the half and quarter mohur in proportion. If a native officer of any public treasury shall be convicted before the court of *dewanny adawlut* of any *zillah* or city, of refusing to receive in payment any such gold mohurs, or the halves or quarters of them, at the rates directed in this section, the court shall adjude the offender to be dismissed from his office, and further compel him to pay to the complainant his costs of suit, and such damages as to the court may seem proper, upon a consideration of the circumstances of the case.

For all silver bullion or coin of, or above *sicca* standard, coin equal to the weight of the standard bullion to be returned without any charge.

IV. For all silver bullion, or old or light silver coin, equal to, or above, *sicca* standard, which may be delivered into the mints, a number of the nineteenth *sun* sicca rupees, or halves or quarters of such rupees, equal in weight to the silver of *sicca* standard contained in such bullion or old or light coin, shall be returned to the proprietor without any charge whatsoever.

Twelve annas per cent. to be charged for refining to sicca standard, bullion, or old or light coin under that standard.

V. All silver bullion, or old or light silver coin, under *sicca* standard, which may be delivered into the mints, is to be refined to the *sicca* standard, and a number of the nineteenth *sun* sicca rupees, or halves or quarters of such rupees, equal in weight to the refined bullion, shall be returned to the proprietor, after deducting twelve annas per cent. for the expence of refining.

Option given to individuals to have their old gold

VI. It shall be at the option of individuals to have their old or light coin or bullion if gold, coined into gold mohurs, or half or quarter gold mohurs, and if silver, into the nine-

teenth *sun* sicca rupees, or half or quarter rupees, or into such proportions of each as they may think proper.

or silver bullion or money coined into gold mohurs or rupees or halves or quarters in any proportions.

VII. To guard as far as possible against the counterfeiting, clipping, drilling, filing, defacing, or debasing the coin, the edges both of the gold and silver coin are to be milled, and the dies are to be made of the same size as the coin, so that the whole of the impression may appear upon the surface of it.

Coin to be milled and to be of the same size as the die, so as to receive the whole impression upon it.

VIII. The nineteenth *sun* sicca rupees, and the nineteenth *sun* gold mohurs, and the halves and quarters of each, which may be coined at the mints established at Dacca, Patna, and Moorshedabad, and at the Calcutta mint, are to be precisely of the same shape, weight, and standard, and to bear the same impression both on the surface and the edges; and with a view to the effectual attainment of the last mentioned object, the dies for striking and milling the gold and silver coin, are to be cut in the Calcutta mint, and distributed by the mint master to the three subordinate mints; and when these dies are broken, or no longer serviceable, they are to be returned to the Calcutta mint.

Coin struck in the several mints to be precisely of the same shape, weight and standard, and to have the same impression.

Precaution to be taken for preventing any difference in the impression or milling of the coins struck in the three city mints.

IX. The gold and silver coin struck at the different mints, is to be received and paid indiscriminately at the prescribed value in all public and private transactions.

Coin struck at the different mints, to be received and paid indiscriminately.

X. The mint master is to cause a private mark to be put upon all dies which may be prepared for the several mints, but in such a manner as not to be distinguishable by the naked eye. These marks are to be varied as often as the mint master may judge proper upon new dies being made, and he is to keep a register of them, that in the event of any debased or defective coin being found in circulation, he may be able to ascertain from what mint it may have been issued.

Mint master to have private marks put upon the dies.

XI. The magistrates of the cities of Dacca, Patna, and Moorshedabad respectively, are required to proceed in person once in every fortnight, or as often as they may judge it proper, to the mints at Dacca, Patna, and Moorshedabad, without previously apprizing the superintendent of the mint, at the time when the money is usually struck off, and with their own hand, to take indiscriminately out of the heaps at the foot of the striking presses, three pieces of each description of coin that may have been struck off, and transmit them to the mint master at Calcutta, who is to cause the coin to be examined and assayed, and if it shall not be of the proper standard, or if it shall be defective in the workmanship, or in any other respect, he is to report the circumstances to the Governor General in Council.

Further precaution for preventing bad or defective coin being issued from the mints.

XII. Persons charged with counterfeiting, clipping, filing, drilling, defacing, or debasing the gold or silver coin, are to be committed to the criminal courts, and punished according as the law may direct.

Persons charged with counterfeiting the coin or other offences herein specified, to be committed to the criminal courts.

XIII. All officers, agents, *gomastahs*, or others employed in the collection or payment of the public revenue, or the rents of individuals, or the provision of the investment, the manufacture of salt, or opium, and all proprietors and farmers of land, dependant *talookdars*, under-farmers, and *ryots*, and all persons whomsoever, are prohibited affixing any mark whatever to the gold or silver coin, **and all rupees or gold mohurs, or half or quarter rupees or gold mohurs, that may be so marked, are declared not to be legal tenders of payment in any public or private transaction, and the officers of Government are directed to reject any rupees or gold mohurs, or any half or quarter rupees or gold mohurs, so marked, that may be tendered at the public treasuries.*

All persons prohibited affixing marks to the coin.

Coin so marked not to be a legal tender of payment, and to be rejected at the public treasuries.

XIV. As the number of the nineteenth *sun* sicca rupees in circulation in some districts, may not be sufficient to enable the proprietors and farmers of land to pay such part of their revenues as they may not pay in gold, in rupees of that description, the various sorts of rupees current in the several districts, will be received at the public treasuries from the proprietors and farmers of land in payment of their revenue until the 10th April 1794, corresponding with the 30th Chyte 1201 Bengal era, the 25th Chyte 1201 Fussily, the 30th Chyte 1201 Willaity, the 25th Chyte 1851 Sumbut, and the 9th Ramzaan 1208 Higeree, at the fixed rates specified in the following table, which are calculated agreeably to the difference of the intrinsic value, that each species of rupee bears to the nineteenth *sun* sicca rupee, as ascertained by assay in the Calcutta mint.

Rules and valuation according to which all rupees not being nineteenth *sun* siccas are to be received in discharge of the public revenue until the 10th April, 1794.

* The latter part of this section is rescinded by Sec. 3, Reg. II. 1812.

SORTS OF RUPEES.

	Column First. Sicca Weight.	Column Second. 19 Sun Siccas.		
Siccas of Moorshedabad, Patna, and Dacca, per	100	100	0	0
Phooley Sonats, ...	do.	100	0	0
Delhy Mahomet Shai, ...	do.	99	8	0
Money Surat, large, ...	do.	99	8	0
Benares Sicca, ...	do.	99	8	0
Bissun Arcots, ...	do.	97	14	6
Sonats Sabic and Duckie, ...	do.	97	8	0
Forshee Arcots, ...	do.	97	6	6
French Arcots, ...	do.	97	0	0
Patanca Arcots, ...	do.	96	9	6
Arungzeebe Arcots, ...	do.	96	9	6
Gursaul, ...	do.	96	9	6
Madras Arcots, new, ...	do.	96	4	9
Masulipatam and Shardar Arcots, ...	do.	96	0	0
Patna Sonats, old, ...	do.	96	0	0
Benares rupees, old, ...	do.	95	14	6
Madras Arcots, old, ...	do.	95	14	6
Farukabad rupees, ...	do.	95	12	9
Jehaujee Arcots, ...	do.	95	11	3
Chaunta Arcots, ...	do.	95	11	3
Calcutta and Moorshedabad Arcots, ...	do.	95	6	6
Old Arcots, ...	do.	95	3	3
Dutch Arcots, ...	do.	95	0	0
Surat Arcots, ...	do.	94	0	0
Benares Trisolie, ...	do.	92	6	6
Viziery rupees, ...	do.	63	0	0
Narrainy half rupee, new, ...	do.	63	0	0

Explanation of the mode of receiving the rupees agreeably to the above table.

XV. To prevent misconception of the mode of receiving rupees of sorts under the above table, it is to be understood, that one hundred sicca weight of each of the sorts of rupees specified in the first column (whatever number of the rupees may go to that weight) is to be considered equal to the number of nineteen *sun* sicca rupees placed opposite to it in the second column.

Rule for rupees tendered at the public treasuries which are not specified in the table.

XVI. If any other species of rupees besides those specified in the table, are tendered in payment at any of the public treasuries, one hundred sicca weight of them, indiscriminately taken from the sum paid in the presence of the payer or his agent, is to be sent to the nearest mint to be assayed, and the payer shall receive credit for a number of the nineteenth *sun* sicca rupees equal in weight to the silver of sicca standard that the rupees so paid may be estimated to contain according to the assay, after deducting twelve annas per cent. for the expence of refining, should the rupees be under sicca standard.

Rupees of sorts received at the public treasuries to be sent to the mints.

XVII. Rupees of sorts which may be received at the public treasuries agreeably to the table in Section 14, or under Section 16, are not on any account to be issued therefrom, but are to be sent to the mints, and coined into siccas of the nineteenth *sun*.

After the 10th April 1794, no silver or gold coin, excepting rupees or gold mohurs of the nineteenth *sun*, or their respective divisions and subdivisions, to be considered a legal tender of payment.

XVIII. After the 10th April 1794, no other rupee but the nineteenth *sun* sicca, and no other gold mohur but the nineteenth *sun* gold mohur, or the halves and quarters of each, shall be received at any of the public treasuries, or issued therefrom, on any account whatsoever; and no other rupees or gold mohurs, excepting the rupees and gold mohurs of th nineteenth *sun*, and the halves and quarters of each, shall be legal tenders of payment in any public or private transaction.

Bonds or agreements for money, executed prior to the 10th April 1794, to be dischargeable prior to that date, either in the coin stipulated in the deed, or in

XIX. Bonds, or writings, or other agreements, whether written on verbal, entered into prior to the 10th April 1794, whereby a sum of money is stipulated to be paid in any species of rupee or gold mohur excepting the nineteenth *sun sicca*, or the gold mohur of the nineteenth *sun*, and which may not be discharged previous to the abovementioned date, may be liquidated at the option of the debtor, either in the rupee specified in the instrument, or in the nine-

teenth *sun* sicca rupee at the valuation specified in the table in Section 14, or in the nineteenth *sun* gold mohur.

nineteenth *sun* siccas at the rates in the table.

XX. After the 10th April 1794, no person shall recover in any court of judicature in the provinces of Bengal, Behar, or Orissa, any sum of money under a bond, or other writing, or any agreement written or verbal, entered into after the abovementioned date, by which any sum of money shall be stipulated to be paid in any species of rupees excepting sicca rupees, or gold mohurs, of the nineteenth* sun, *or the halves and quarters of each.*

Agreements executed after the 10th April 1794, stipulating for the payment of money in, any other species excepting rupees or gold mohurs of the nineteenth sun, *or the halves or quarters of them, not recoverable in any court of justice.*

XXI. All engagements hereafter entered into on the part of Government for the provision of the investment, or the manufacture of salt, are to be made in the sicca rupee, or the gold mohur of the nineteenth *sun*, and all proprietors and farmers of land are prohibited from concluding engagements with their under-farmers, *ryots*, or dependant *talookdars*, after the 10th April 1794, in any species of rupees or gold mohurs, excepting the sicca rupees and the gold mohurs of the nineteenth *sun*, under the penalty of not being permitted to recover any arrears that may become due to them under such engagements.

All engagements on the part of Government for the provision of the investment, or salt, to be made in the nineteenth *sun* sicca rupee or gold mohur. Engagements for rent and revenue to be made in the same coin. Arrears on engagements stipulating the payment of any other coin, not recoverable.

XXII. If sicca rupees of the nineteenth *sun* of full weight, or the halves or quarters of such rupees, shall be tendered at any of the public treasuries, and any of the native officers shall refuse to receive them in payment of any public demand, and shall require any other species of rupees, or if any of the species of rupees mentioned in the table in Section 14, shall be tendered at the public treasuries prior to the date specified in Section 18, at the valuation specified in the table, and any native officer shall refuse to receive them at such valuation, upon proof of such offence before the *dewanny adawlut* of the *zillah* or city in which the complaint may be cognizable, the court shall dismiss the offender from his office, and oblige him to pay costs of suit, and damages to the party complaining.

Punishment for native officers at any of the treasuries refusing to receive the nineteenth *sun* gold mohur or rupee in payment.

XXIII. After the date specified in Section 18, if any native officer at any of the public treasuries shall be convicted of receiving in payment of a public demand any gold or silver coin, excepting the gold mohur or the sicca rupees of the nineteenth *sun*, or the halves and quarters of each, the court shall dismiss him from his office, and adjudge him to pay such fine to Government as may appear to them adequate to the offence.

Native officers at any of the public treasuries liable to fine and dismission for receiving any coin but the nineteenth *sun* rupee or gold mohur after the 10th April 1794.

XXIV†. In consideration of the expence incurred in refining gold, not of gold mohur standard, and with a view to discourage the importation of gold bullion in preference to silver bullion, the following duty is to be levied on gold bullion sent to the mints for coinage.

Duty to be levied at the several mints on gold bullion.

	Rs.	As.	
Bullion of or above gold mohur standard,	2	8	*per cent.*
Ditto ¾ to 5 per cent. worse than that standard,	2	12	*do.*
Ditto from 5 to 10 per cent. ditto,	3	4	*do.*
Ditto from 10 to 20 per cent. ditto,	3	12	*do.*

XXV. No duty is to be charged on the re-coinage of old or light gold mohurs, or half or quarter gold mohurs, coined at the Calcutta mint since the 20th March 1769, nor on the re-coinage of any gold mohurs, or half or quarter gold mohurs, which may be coined in the mints at Patna, Dacca, Moorshedabad, or Calcutta, after this date.

No duty to be levied on the re-coinage of old gold mohurs, halves, or quarters, coined in the Calcutta mint since the 20th March 1769, or which may be hereafter coined in any of the mints.

XXVI‡. All bullion delivered into the mints, is to be assayed in the order in which it may be received; refined in the order in which it may be assayed. and coined in the order in which it may be refined. Standard bullion delivered into the mints is to be registered as refined bullion, on the date on which it may be assayed.

Order in which bullion delivered into the mints, is to be assayed, refined and coined.

XXVII. *First.* The following registers are to be kept open at the mints of Calcutta, Patna, Dacca, and Moorshedebad, for public inspection.

Registers to be kept for public inspection in the several mints.

Second. A register of unassayed bullion delivered into the mint, specifying the quantity delivered, the date on which it was received, and the name of the proprietor.

Third. A register of bullion assayed and refined, specifying the date on which it was assayed, and the date on which it was refined, the name of the proprietor, and the produce in

* This section is rescinded by Section 2, Regulation XIII. 1807.
† This section is rescinded by clause first, Section 5, Regulation II. 1812.
‡ This section is rescinded by Sect. 4, Regulation II. 1812.

sicca rupees or gold mohurs, together with the date of the certificate granted for the produce, and the date on which such certificate was discharged.

European and native officers of Government herein specified liable to be sued for any breach of the regulations respecting the coinage.

XXVIII. Collectors of the revenue, commercial residents or agents, salt agents, the mint master at Calcutta, the superintendents of the subordinate mints at the cities of Patna, Dacca, and Moorshedabad, and their respective officers, are to be liable to be sued for damages in the *zillah* or city court to which they may be amenable, for any breach of this regulation, or any other regulation which may be enacted respecting the coin.

A. D. 1793. REGULATION XXXVI.

A REGULATION *for establishing a Registry for Wills and Deeds, for the Transfer or Mortgage of real Property.*—PASSED *by the Governor General in Council on the* 1*st May* 1793*; corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

TO give security to the titles and rights of persons purchasing real property, or receiving such property in gift, or advancing money on the mortgage of it, or taking it on lease, or other limited assignment; to prevent individuals being defrauded by buying, or receiving in gift, or lending money on mortgage, or taking on lease any such property that may have been so previously disposed of, or pledged; to afford persons the means of obviating, as far as may be practicable, litigation respecting the authenticity of their wills, or any written authority they may grant to their WIVES to adopt sons after their death; and that individuals may be able to provide against any injury to their rights or property by the loss or destruction of deeds relating to transactions of the nature of those above specified, the following rules have been enacted.

An office for the registry of deeds to be established in each *zillah* and city.

To be superintended by the registered of the *zillah* or city.

II. An office for the registry of deeds, shall be established in each *zillah*, and in the cities of Patna, Dacca, and Moorshedabad. The superintendence of the office shall be committed to the register of the Court of *dewanny adawlut*; who shall take and subscribe the following oath before the judge of the *zillah* or city, previous to his entering on the execution of the duties of the office.

Oath.

"I A. B. solemnly swear, that I will truly and faithfully execute the office of register of deeds for the *zillah* or city of ———, and that I will not directly or indirectly derive any pecuniary or other benefit whatsoever from the said office, excepting such as is or may be allowed to me by this regulation, or by any regulation that may be hereafter passed by the Governor General in Council, and printed and published in the manner directed in Regulation XLI. 1793. SO HELP ME GOD."

Memorials of the following deeds to be registered.

III. *First.* The register is authorized and required to register memorials of the following deeds.

Deeds of sale and gift of real property.

Second. Deeds of sale, or gift, of lands, houses, and other real property.

Mortgages and incumbrances, and certificates of the discharge of them.

Third. Deeds of mortgage on land, houses, and other real property, as well as certificates of the discharge of such incumbrances.

Limited assignments and temporary transfers.

Fourth. Leases and limited assignments of land, houses, and other real property, including generally all conveyances used for the temporary transfer of real property.

Wills.

Fifth. *Wusseatnamahs* or wills.

Authorities to women to adopt sons after the death of their husbands.

Sixth. Written authorities from husbands to their wives to adopt sons after their (the husbands') demise.

Option left of registering any of the deeds specified in the preceding sec-

IV. It shall be left to the option of all persons to register or not, as they may think proper, any of the descriptions of deeds specified in the preceding section, that have been executed,

tions executed or that may be executed prior to 1st January 1796.

executed, or which may be executed, prior to the 1st of January 1796. The not registering such deeds, shall in no wise operate to the prejudice of the rights of the parties thereto, which shall remain the same as if this regulation had never been enacted.

Deeds specified in the three last clauses of Section III. whether executed before or after 1st January 1796, may be registered or not at the option of the parties.

V. It shall also be left to the option of all persons to register or not, as they may think proper, the several descriptions of deeds specified in clauses fourth, fifth, sixth, of Section 3, whether executed previous or subsequent to the 1st January 1796. The not registering of the deeds specified in those three clauses, shall in no wise operate to the prejudice of the rights of the parties thereto, which shall remain the same as if this regulation had never been enacted.

Deeds of sale or gift executed subsequent to the 1st January 1796.

VI. *First.* Every deed of sale, or gift, of the description specified in clause second, Section 3, that may be executed on or after the 1st January 1796, and a memorial of which shall be duly registered according to this regulation, shall, provided its authenticity be established to the satisfaction of the court, invalidate any other deed of sale or gift for the same property, executed subsequent to the said date which may not have been registered, and whether such second or other deed shall have been executed prior or subsequent to the registered deed.

Deeds of mortgage executed subsequent to the 1st January 1796, duly registered, to be discharged in preference to mortgages granted subsequent to that date, not registered.

Second. Every deed of mortgage of the description specified in clause third, Section 3, that may be executed on or after the 1st January 1796, and a memorial of which shall be duly registered according to this regulation, and provided its authenticity be established to the satisfaction of the court, shall be satisfied in preference to any other mortgage on the same property executed subsequent to the said date which may not have been registered, and whether such second or other mortgage shall have been executed prior or subsequent to the registered mortgage.

Qualification of the rules in the two preceding clauses applicable to cases in which persons may purchase, take on gift, or mortgage property, knowing it to have been previously sold, given, or mortgaged subsequent to the 1st January 1796.

Third. It being the object, however, of the rules in the two preceding clauses, to prevent persons being defrauded by purchasing, or receiving in gift, or taking in mortgage, real property which may have been before sold, given, or mortgaged, subsequent to the 1st January 1796, and as persons can never suffer such imposition when they are apprized of the previous transfer or mortgage of the property, it is to be understood, that if any person shall purchase, receive in gift, or take in mortgage, any real property, knowing such property to have been previously sold, given, or mortgaged, to any other person subsequent to the 1st January 1796, and that the deed of sale, gift, or mortgage has not been registered, and shall register his own deed, in such case the deed of sale, gift, or mortgage of such subsequent purchaser, donee, or mortgagee, which may have been registered, shall not from the registry of it, invalidate, or be discharged in preference to the unregistered deed of sale, gift, or mortgage, first executed, provided the authenticity of the latter be established to the satisfaction of the court.

In what office deeds are to be registered.
Provision for cases in which the property may be situated in two or more jurisdictions.

VII. The registry of all deeds shall be made in the register office of the *zillah* or city in which the property affected by them may be situated, and if the property be situated in the jurisdictions of two or more of the courts of *dewanny adawlut,* the deeds affecting it shall be registered in the office of each jurisdiction.

Each description of deeds to be registered in a separate book, paged and attested as herein directed.

VIII*. *First.* Each species of deed shall be registered in a separate book, each leaf of which shall be paged, *and be attested by the judge of the* dewanny adawlut *of the* zillah *or city,* who shall note in his own handwriting on the last page of each book, the number of pages contained in each book, and attest the note with his official signature. No register shall be deemed authentic, excepting such as shall be so paged and attested.

Deeds registered to be numbered.
Date of the registry, &c. to be noted in the margin of the register.
Registers to be deposited in court.
Forms to be observed in the registry of deeds.
Forms.

Second. Every deed entered in a register book, shall be numbered, and the date of the month and the year, as well as the time of the day when every deed may be registered, shall be noted in the margin of the register books, which shall be deposited amongst the records of the *dewanny adawlut.*

IX. *First.* The following forms shall be observed in the registry of deeds.

Second. The person or persons executing the deed, or his or their authorized representative, with one or more of the witnesses to the execution of it, shall attend at the register office, and prove by oath before the register, the due execution of the deed; upon which,

* Rescinded by clause first, Section 6, Regulation XX. 1812.

the register shall cause an exact copy of the deed to be entered in the proper register book, and, after having caused it to be carefully compared with the original, shall attest the copy with his signature, and shall also cause the parties, or their authorized representatives in attendance, to subscribe their signatures to the copy, in the presence of two creditable witnesses, (whose names shall also be subscribed thereto,) and shall then return the original, with a certificate under his signature endorsed thereon, specifying the date, and the time of the day on which such deed shall have been so registered, with references to the book containing the registry thereof, and the page and number under which the same shall have been entered therein.

Certificates of the registry of deeds to be considered as evidence of their registry.

X. The certificate of the register, endorsed agreeably to the forms described in clause second of the preceding section, shall be considered in all courts of justice to be sufficient evidence of the registry.

Register to allow all persons to inspect the register books.

To grant copies of deeds.

Copies of registered deeds lost or not forthcoming to be considered by the courts of judicature as evidence of the originals, the execution of the latter being proved by the subscribing witnesses.

XI. The register shall on application being made to him, allow all persons to inspect the register books, as well as grant copies of all deeds registered by him to persons whom they may concern; and such copies, in the event of the originals being lost, destroyed, or not forthcoming, shall be received as sufficient evidence of such deeds in all courts of justice whatever, proof being made by the subscribing witnesses to the original deed, that the original was duly executed.

Persons counterfeiting or falsifying entries in the register books or certificates to be prosecuted criminally.

XII. If any person or persons shall at any time be suspected, on sufficient grounds for commitment, of counterfeiting or falsifying any entry in any of the register books ordered to be kept, or any certificate such as is directed to be granted, by this regulation, he or they shall be prosecuted on the part of Government in the criminal court of judicature, and the several registers shall, as agents for the prosecution, adopt every legal measure in their power for the proof of the crime, and the due execution of the laws against the offender.

Hours for the registry of deeds.

XIII. Every register shall attend at his office for the dispatch of all business belonging thereto, during certain specified hours each day, between sunrise and sunset, (Sundays and holidays excepted,) and after determining the particular hours of such attendance, he shall affix a written notice thereof in some conspicuous part of his office for general information.

Fee to be allowed to the register for registering deeds, furnishing copies, and making searches.

Register may refuse to perform the official acts required of him until the fee be paid.

To defray the expence of the office from the fees.

XIV. The register shall be allowed a fee of two rupees for every deed registered by him, to be paid by the party causing the same to be registered, and no more; a fee of one fee for every copy furnished of a deed registered by him, to be paid by the party applying for such copy, and no more; and a fee of half a rupee for every search made on an inspection of the register, to be paid by the party inspecting the same, and no more. The register is authorized to refuse the official acts required from him until these fees be paid, and from such fees he shall provide the necessary native officers to make the entries and copies directed, as well as the requisite stationery.

Registers may appoint deputies to officiate for them in the cases and under the rules herein specified.

XV. The several registers are permitted, in case of absence from their stations, sickness, or any other disqualification from personal attendance to the duties of their office, to appoint (with the approbation of the judge to whom they may be registers respectively) a deputy, being a covenanted servant of the Company, and duly qualified, to act for them; and such deputy, so appointed, and approved, after taking a similar oath to that prescribed for the register, shall be authorized to perform the several acts which the register is hereby empowered to perform. This permission however is to be expressly confined to the cases stated, and the registers when present at their stations, are not to be allowed to employ any deputy, but are to be required to discharge personally, the duties of the office committed to them.

Regulation to be in force from the 1st January 1796, and translate of it to be sent to all the *cauzies* of the provinces.

XVI. This regulation is to be in force from the 1st January 1796, and the judges of the several *zillahs* and cities in Bengal and Orissa, are to transmit a copy of the Persian and Bengal translate of it to every *cauzy* in their jurisdiction; and the judges of the *zillahs* in Behar, and of the city of Patna, are to transmit a copy of the Persian translate of it, to each of the *cauzies* in their respective jurisdictions.

A. D. 1793. REGULATION XXXVII.

A REGULATION *for re-enacting with Modifications, the Rules passed on the 23d April* 1788, *and subsequent dates, for trying the Validity of the Titles of Persons holding, or claiming a right to hold, Altumgah, Jaghire, and other Lands, exempt from the Payment of public Revenue, under Grants termed Badshahee or Royal, and for determining when certain Grants of that Description shall be considered to have expired; and for fixing the Amount of the public Revenue to be assessed upon the Lands, the Grants for which may expire, or be adjudged invalid.*—PASSED *by the Governor General in Council on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

BY the ancient law of the country, the ruling power is entitled to a certain proportion of the produce of every *beegah* of land, unless it transfers its right thereto for a term, or in perpetuity. As a necessary consequence of this law, every grant or alienation of Government's proportion of the produce of lands without its sanction, was considered null and void. Had the validity of such grants or alienations been admitted, it is obvious that the public revenue would have been liable to gradual diminution. Under the native Government, grants were occasionally made of the Government's share of the produce of lands for the support of the families of persons who had performed public services, for religious or charitable purposes, for maintaining troops, and for other services. The British Government continued to the grantees or their heirs, such of these grants as were hereditary, and were made before the date of the Company's accession to the *dewanny*, provided the grantees or their heirs had obtained possession previous to that date; but those grants which were for life only, have been invariably considered as resumable on the death of the grantees. No complete register of these grants having been formed on the Company's accession to the *dewa ny*, nor subsequent to that period, many persons have retained possession of lands under fabricated or antedated grants, or have succeeded to life grants on the demise of the original grantee, or former possessor, without the sanction of Government. The Governor General in Council, deeming it incumbent on him to resume the public dues from lands held under invalid tenures, as well as the revenue of all lands the grants for which might expire, and as the proprietors of estates were not entitled to collect such of the public dues from the lands included in their estates, as Government had judged it advisable to transfer to individuals, or to resume those which had been alienated or were appropriated without authority, the amount of the revenue of the lands having in both cases been excluded from the assets on which the settlement was to be concluded, it was made a rule at the time of forming the decennial settlement, and which has been re-enacted by Section 34, Regulation VIII. 1793, that the *jumma* assessed upon the estates of individuals, was to be considered "as exclusive and independent of all existing *lakheraje* lands, whether exempted from the *kheraje* or public revenue, with or without due authority;" and by the third clause of the seventh article of the proclamation contained in Regulation I. 1793, which specifies the conditions under which Government declared

clared the decennial settlement permanent, it is expressly stipulated, "that the Governor General in Council will impose such assessment as he may deem equitable on all lands at present alienated and paying no public revenue, which have been or may be proved to be held under illegal or invalid titles." The Governor General in Council, however, at the same time that he is desirous of recovering the public dues from lands held under invalid tenures, is equally solicitous that persons holding lands under grants that are declared valid, should be secured in the quiet possession and enjoyment of them. With this view, and to obviate all injustice, or extortion, in the enquiry into the titles of persons possessing lands under such grants, he has resolved that all claims of the public for the resumption of such grants, (provided the grantees or persons in possession register their grants as required in this regulation,) shall be tried in the courts of judicature, that no such grants may be resumed until the title of the grantee or present possessor shall have been adjudged invalid by a final judicial decree. Upon the above grounds, and with a view to facilitate the resumption of invalid grants, as well as to prevent any grants being hereafter made without the authority of Government, and further, that Government and its officers may at all times have in their possession a correct register of the lands in the several *zillahs*, held exempt from the payment of revenue under *badshahee* grants, the following rules, containing the rules passed on the 23d April 1788, and subsequent dates, with modifications, have been enacted.

Badshahee grants made previous to the 12th August 1765, declared valid, provided the grantee obtained possession before that date, and has since held possession.

Grants made before the the *dewanny* of no validity, if possession was not obtained prior thereto, or the grant has since been resumed by authority.

II. *Altumgah*, *jaghire*, *ayma*, *muddudmaush*, or other *badshahee* grants, for holding land exempt from the payment of revenue, made previous to the 12th August 1765, the date of the Company's accession to the *dewanny*, shall be deemed valid, provided the grantee, actually and *bonâ fide*, obtained possession of the land so granted previous to that date, and the grant shall not have been subsequently resumed by the officers or the orders of Government. If it shall be proved to the satisfaction of the court, that the grantee did not obtain possession of the land so granted previous to the 12th August 1765, or that he did obtain possession of it prior to that date, but that it has been since resumed by the officers or the orders of Government, the grant shall not be deemed valid.

Courts to refer to the Governor General in Council, in the event of their entertaining doubts as to the authority of any officer of Government who may have resumed *badshahee* grants of land made before the *dewanny*.

Second. In the event, however, of a claim being preferred by any person to hold land exempt from the payment of revenue, under a *badshahee* grant made previous to the date of the Company's accession to the *dewanny*, and on it being proved to the satisfaction of the court in which the suit may be instituted in the first instance, or to which it may be appealed, that the grantee held the land exempt from the payment of revenue previous to that date, but that it was subjected to the payment of revenue posterior thereto by an officer of Government, and the court shall entertain doubts as to the competency of such officer, under the powers vested in him, to resume the grant and subject the lands to the payment of revenue, the court shall suspend its judgment, and report the circumstances to the Governor General in Council, to whom a power is reserved of determining whether such officer was or was not competent to resume the grant; and upon receiving the determination of the Governor General in Council, the court is to decide accordingly. No such claim, however, to hold exempt from the payment of revenue, land that may have been subjected to the payment of revenue for the twelve years preceding the date on which the claim may be instituted, shall be heard by any *zillah* or city court, unless the claimant can show good and sufficient cause for not having preferred the claim to a competent authority within the twelve years, and proceeded in it, as required by Section 14, Regulation III. 1793.

Claims to hold exempt from revenue under *badshahee* grants lands that have paid revenue for twelve years, not to be heard.

Exception.

Third. But no part of the two preceding clauses, is to be construed to empower the courts to adjudge any person not being the original grantee, entitled to hold land paying revenue to Government, exempt from the payment of revenue, under a *jaghire* or other grant made previous to the Company's accession to the *dewanny*, where the grant may expressly specify it to have been given for the life of the grantee only, or, supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where the grant, from the nature and denomination of it, shall be proved to be a life tenure only, according to the ancient usages of the country.

Persons not being the original grantees, not to be entitled to hold exempt from the payment of revenue.

Fourth. Nor to entitle the heirs of any person now holding lands exempt from the payment of public revenue under a *jaghire*, or other *badshahee* life grant, made previous to the *dewanny*, to succeed to, and hold such land exempt from the payment of revenue upon the demise

Nor to entitle the heirs of persons now possessing exempted lands under life grants made previous to

demise of the present possessor, where the grant may expressly specify it to have been given for the life of the grantee only, or, supposing no such specification to have been made in the grant, or the grant not to be forthcoming, where from the nature and denomination of the grant it shall be proved to be a life tenure only, according to the ancient usages of the country.

the *dewanny* to hold such lands exempt from the payment of revenue upon the death of the present possessor.

Fifth. The present possessors of lands now exempt from the payment of revenue under such *jaghire* or other life grants made previous to the *dewanny*, and declared by the preceding clause not to be hereditary, are prohibited from selling, or otherwise transferring them, or mortgaging the revenue of the lands for a longer period than their own lives, and all such transfers and mortgages which have been or may be made, are declared illegal and void.

The present possessors of such life grants prohibited from transferring them, or mortgaging the revenue of them beyond their own lives.

III. *First.* All *badshahee* grants for holding land exempt from the payment of revenue, which may have been made since the 12th August 1765, by any other authority than that of Government, and which may not have been confirmed by Government, or by any officer empowered to confirm them, are declared invalid.

All grants made or confirmed since the *dewanny*, excepting by the authority of Government, or its officers duly empowered, declared invalid.

Second. If doubts shall be entertained by any court as to the competency of the authority of any officer to confirm any such grant, the court is to suspend its judgment, and report the circumstances of the case to the Governor General in Council, to whom a power is reserved of determining finally whether the officer possessed competent authority to confirm the grant, or otherwise; and the court, upon receiving the determination of the Governor General in Council, shall decide accordingly.

Courts how to proceed in the event of their entertaining doubts of the authority of the officer to confirm the grant.

IV. It is to be understood that this regulation respects only the Government proportion of the revenue arising from lands held or claimed to be held under *badshahee* grants, and whether Government is entitled to resume or retain such revenue or otherwise. Every dispute or claim regarding the *zemindaree* or proprietary right in lands included in any grant, is to be considered as a matter of a private nature between the contending parties, and is to be determined in the *dewanny adawlut.*

Questions regarding the proprietary right in lands included in grants, to be determined in the *dewanny adawlut.*

V. When a *jaghire* or other life grant shall escheat to Government, the collector is immediately to attach the revenue of the lands, and report the circumstance to the Board of Revenue, who are to obtain the orders of the Governor General in Council, regarding the resumption of the grant.

Collectors to attach the revenue of lands in escheated grants.

VI. When any *badshahee* grant shall be resumed, or expire, or escheat to Government, the revenue to be paid to Government from the lands included in it shall be assessed and the settlement made in perpetuity, agreeably to the rules for the decennial settlement contained in Regulation VIII. 1793, with the person possessing the *zemindaree* or proprietary right in the lands, whoever he may be. If the proprietor shall refuse to pay the *jumma* demanded of him, the lands shall be held *khas*, or let in farm, as directed in that regulation.

Lands included in resumed grants to be assessed, and the revenue to be paid by the proprietor, according to the regulations for the decennial settlement.

VII. It is to be the duty of the collectors, after receiving the sanction of the Board of Revenue for that purpose, as directed in Section* 9, *to prosecute in the court of* dewanny adawlut *on behalf of Government, for the resumption of grants that are declared invalid by this regulation, and no lapse of time shall be considered as a bar to the resumption of such grants.*

Collectors to prosecute for the resumption of grants which are declared invalid.

No lapse of time to be a bar to the resumption of grants.

VIII. The collectors shall receive a commission of twenty-five per cent. on the amount of the jumma *which may be assessed in perpetuity, on the land contained in grants which may be resumed in consequence of suits which may be prosecuted by them to a final judgment. Collectors who may institute suits for the recovery of the public dues from lands, but who shall not prosecute them to a final decision whilst they hold the office of collector of the* zillah *in which the lands may be situated, shall not be entitled to any commission in the event of the lands being adjudged liable to the payment of revenue, but the commission shall be paid to the collectors who may prosecute the suit to a final judgment as above prescribed, unless the Governor General in Council shall deem it equitable, upon a consideration of the circumstances of the case, to give the whole or any part of the com-*

Commission of twenty-five per cent. to be received by collectors on the permanent jumma *of lands included in grants resumed in consequence of suits prosecuted by them to a final decision.*

Collectors instituting suits but not prosecuting them to final judgment, not to receive commission, excepting in the cases herein specified.

* Sect. 7. to 9. rescinded by Clause 2, Sect. 2, Regulation II. 1819.

mission to the collectors by whom the suits may have been instituted, or to collectors who may have succeeded the collectors who instituted the suits, and preceded the collectors by whom they may have been prosecuted to a final decision.

Collector to report to the Board of Revenue whenever he may receive information of land held under an invalid grant.

Board, if they see grounds, empowered to order the collector to sue for the resumption of the grant,

may require the person in possession to deliver up his title deeds,

and may fine him on his refusing to deliver up the writings upon the first requisition;

and levy the amount in the same manner as arrears of revenue;

and attach the lands upon his not complying with the second requisition.

Grantees denying that they have any writings, not to be allowed to avail themselves of any writings they may afterwards produce.

Qualification of the rule.

Collectors prohibited requiring from the grantees their title deeds, or instituting a suit against them without the previous sanction of the Board of Revenue.

Board of Revenue may order suits to be instituted without any previous report from the collectors.

IX. When a collector shall have reason to believe that land is held by any person exempt from the payment of revenue, under a grant that is declared invalid by this regulation, he is to state such information as he may possess, or be able to procure respecting it, to the Board of Revenue, who, if there shall appear to them ground to believe that the grant is invalid, are empowered to order the collector to institute a suit for the resumption of it. The Board of Revenue are likewise empowered, previous to ordering the institution of the suit, to authorize the collector to demand from the grantee or person in possession, by a written requisition under his official seal and signature, and expressly specifying it to be made pursuant to the orders of the Board, to deliver into his custody by a time to be limited in the requisition, all the writings in virtue of which he may possess the lands, or under which they may have been held exempt from the payment of revenue. The collector is to give a receipt for the writings. If the grantee or possessor shall omit or refuse to deliver the writings within the limited time, the Board of Revenue are empowered to order the collector to issue a second and similar requisition to him to deliver the writings by a specific day, and shall at the same time impose such daily fine on the grantee or possessor, as they may judge proper upon a consideration of his situation and circumstances in life, and the amount of the fine shall be levied by the process prescribed for the recovery of arrears of revenue: and if the grantee or person in possession, shall not deliver up the writings by the time prescribed in the second requisition, the Board of Revenue are empowered to attach the lands, and collect the rents on account of Government, until the grantee, or person in possession, shall produce the writings, or the grant shall be adjudged invalid. If the grantee, or person in possession, shall deny that he has any writings, or shall not deliver up all the writings, and upon a suit being instituted against him for the recovery of the public dues, he shall in the first case produce any writing, and in the second, any writing or writings besides such as he may have delivered to the collector, the writing or writings so produced shall not be received by the court in evidence, nor shall they be allowed to have any weight in the decision, any more than if they had never existed, unless in the second case, he shall show good cause to the satisfaction of the court for not having produced the writings, and shall prove that he assigned such cause in answer to the collector's requisition. But no collector is to require any person holding lands under any grant to produce his title deeds or writings, (excepting for the registry of them by the publication specified in Section 20,) or to institute a suit for the resumption of the grant, without obtaining the previous orders of the Board of Revenue for that purpose. The Board of Revenue are empowered, without receiving any previous report from the collectors, to order suits to be instituted for the resumption of grants, which they may have ground to believe are invalid.

Persons claiming to hold lands paying revenue, exempt from revenue under *badshahee* grants, to sue Government.

Collector to defend the suit.

Vakeel of Government to defend or prosecute suits instituted against, or by Government.

Rules to be observed by the collector in the event of Government being cast wholly, or in part.

X. Any person having a claim to hold lands paying revenue, exempt from the payment of revenue under a *badshahee* grant, must institute his claim against Government, who alone can be the defendant in such suits, in the *dewanny adawlut* of the *zillah*, in the same manner as in cases where individuals may claim a right to hold lands paying revenue, exempt from the payment of revenue under grants not of the description of those termed *badshahee*, in virtue of Regulation XIX. 1793. The collectors of the revenue are to defend all such suits as may be instituted against Government, and such suits, and the suits which the Board of Revenue may direct the collector to institute, are to be defended or prosecuted by the *vakeel* of Government, under the instructions of the collector; and in the event of Government being cast, either wholly or in part, or, if the collector shall be dissatisfied with the decree in any respect, all the rules contained in section 30, Regulation XIV. 1793, and the other sections in that regulation, respecting decisions given against a collector in any *zillah* court, in suits instituted against him by any proprietor or farmer of land, for sums of money demanded or actually received by him as arrears of revenue, are to be held applicable to such decree, with this difference, that the suit, from the commencement of it, is to be defended or carried on at the expence of Government, and in the event of the Board of

Revenue not deeming it proper to order an appeal from the decision of the *zillah* court to be preferred to the provincial court of appeal, or from the decision of the provincial court to the Sudder Dewanny Adawlut, in the event of their ordering the cause to be appealed to the provincial court, and of its being given against them therein, they are to report their reasons in both cases for not preferring the appeal, to the Governor General in Council, who will direct the cause to be appealed or not in either case as may appear to him proper.

Courts to award adequate costs and damages in cases of prosecutions being instituted on insufficient grounds, under this regulation.

XI. If a suit shall be brought before a court of judicature by a collector on the part of Government for the resumption of a grant, or by any individual against Government, to hold exempt from the payment of revenue under a grant, lands paying revenue to Government, and it shall appear to the court that the suit was instituted upon insufficient grounds, it shall award against the prosecutor, in favour of the party sued, such costs and damages as may appear to it equitable upon a consideration of the circumstances of the case.*

Grants forged or altered in any respect, or antedated, declared void.

XII. If it shall appear to any court of judicature during the course of a trial, that a grant has been forged, or that the name of the original grantee has been erased, and any other name substituted, or that any name not in the original grant has been inserted, or that the denomination, or the terms of the tenure in the original grant, have been erased or altered, or that the date of the grant has been changed, or that the grant has been antedated, the grant shall be adjudged null and void.

Persons concerned in the frauds liable to a criminal prosecution.

XIII. Any person by whom any of the frauds specified in the preceding section may appear to have been committed, or who may have been concerned therein, shall, provided the court is of opinion that there are sufficient grounds for a criminal prosecution, be committed or held to bail (according to the circumstances of the case) to take his trial before the court of circuit.

Proprietors of land included in resumed grants, to pay the jumma *from the date of the first decision, adjudging the land not exempted.*

XIV†. Where a grant may be adjudged invalid, and the lands shall be subjected to the payment of revenue, the former holder of the grant shall not be required to refund any part of the collections which he may have made from the lands previous to the date of the first decree adjudging the lands subject to the payment of revenue, whether it be given in the zillah *court, the provincial court of appeal, or the Sudder Dewanny Adawlut. But he shall be responsible for the collections from the lands, from the date of such first decree, adjudging the land subject to the payment of revenue.*

Cases in and rules under which certain grants are to be transferrible.

XV. *Altumgah*, *ayma*, and *muddudmaush* grants, are to be considered as hereditary tenures. These and other grants, which from the terms or nature of them may be hereditary, and are declared valid by this regulation, or which have been or may be confirmed by the British Government, or any of its officers possessing competent authority to confirm them, are declared transferrible by gift, sale, or otherwise, and all persons succeeding to such grants by whatever mode, are required to register their names in the office of the collector, within six months after they may succeed to the grant. But all such purchases are to be considered as made at the risk of the purchaser, and in the event of the grant not proving to be hereditary, or not to have been made or confirmed by the British Government, or its officers possessing competent authority, the transfer is not to preclude the land from being subjected to the payment of revenue under this Regulation. *Jaghires* are to be considered as life tenures only, and with all other life tenures, are to expire with the life of the grantee, unless otherwise expressed in the grant.

Jaghires to be considered as life tenures, unless the grant shall express otherwise.

Record of lands included in grants that may become liable to the payment of revenue.

XVI. *First.* When any grant shall be adjudged invalid, or shall expire, or escheat to Government, the name or names of the *mohauls* and villages, or lands, included in the grant, and the measurement thereof, the *pergunnah* in which the lands may be situated, the amount of the public revenue assessed thereon, the name or names of the proprietor or proprietors, and a copy of the decree, are to be entered in the register of intermediate resumptions and occurrences, directed to be kept by Section 28, and opposite to such entry, the collector is to insert in red ink, the number of the page in the periodical register directed to be kept by Section

* This Section is rescinded by Clause 2. Sect. 2. Regulation II. 18[illegible]
† This Section is rescinded by Clause 2. Sect. 2. Regulation II. 1[illegible]

17, in which the lands may stand recorded; and in the periodical register, he is to specify in red ink the number of the page in the register of intermediate resumptions and occurrences in which the decree, adjudging the land subject to the payment of revenue, and the other entries above specified, may be inserted. These entries in the register of intermediate resumptions and occurrences, are likewise to be inserted in the regis er of intermediate mutations in landed property paying revenue to Government, directed to be kept by Section 16, Regulation XLVIII. 1793, in order that the land may be recorded in its proper place, as an estate paying revenue to Government, in the next quinquennial register which may be formed agreeably to the abovementioned regulation. The collector is to insert in red ink, opposite to the entries relating to such lands in the periodical register, and the register of intermediate resumptions and occurrences, the number of the page in the register of intermediate mutations, in which the above required entries may be made; and he is also to specify in red ink, opposite to such entries in the register of intermediate mutations, the number of the page in the periodical register, and the register of intermediate resumptions and occurrences, in which such entries respecting the land may be inserted.

Record of land now subject to the payment of revenue, but which may be hereafter adjudged or become exempt from the payment of revenue, where to be made.

Second. When land now subject to the payment of revenue, shall be finally adjudged on the claim of any individual, to be exempted from the payment of revenue under any grant, or when the Governor General in Council shall make any new grant, the name or names of the *mohauls*, villages, or lands, which may be so adjudged exempted, or granted, the measurement thereof, the *pergunnah* in which they may be situated, the name or names of the grantee, the amount of the revenue before assessed thereon, and a copy of the decree or grant, are to be entered in the register of intermediate mutations, directed to be kept by Regulation XLVIII. 1793; and the collector is to insert in red ink, opposite to such entry, the number of the page in the last formed quinquennial register, in which such *mohauls*, villages, or lands may be recorded, that the lands included in the grant may be omitted in the quinquennial register which may be next formed; and also the number of the page in the register of intermediate resumptions and occurrences, directed to be kept by this regulation, in which such entries are also to be recorded, that they may be inserted in their proper place in the periodical register of grants that may be next formed; and the collector shall insert in red ink, opposite to such entries, the number of the page in the register of intermediate mutations, from which they may have been taken.

Register of *badshahee* grants to be prepared every five years.

Contents of the register.

XVII. That Government and its officers, may have in their possession at all future periods, a complete register of all the lands in the provinces held exempt from the payment of revenue under *badshahee* grants, a register of all such grants shall be formed every five years in each *zillah*. The register is to specify the denomination of each grant, whether *altumgah*, *jaghire*, or other tenure; the name of the original grantee, and the person in possession, and if the person in possession be not the original grantee, his relationship to him, if any relationship should exist, and in virtue of what right he succeeded to the grant; the date of the grant, the names of the *mohauls* and *villages* or lands comprised in the grant, or in which the grant may be situated, the person or persons possessing the *zemindaree* or proprietary right in the lands, the measurement in *beeghas* of the *mohauls* and villages or lands included in the grant, and the name of the *pergunnah*, *sircar*, and *soobah*, in which the land granted may be situated. The register shall be denominated the "periodical register of lands held exempt from the payment of revenue under *badshahee* grants."

Denomination of the register.

Board of Revenue to prepare a form for the periodical register. Collectors to adhere to the form.

XVIII Upon the receipt of this regulation, the Board of Revenue are to prepare a form for the periodical register, and transmit a copy of it for the guidance of the collectors, who are strictly enjoined to adhere to it.

Holders of grants allowed one year to register them from the time specified in the following section.

XIX. All persons actually holding lands exempt from the payment of the public revenue, under *badshahee* grants, and whether made or confirmed by the Government of the country for the time being, or by whatever authority, shall be allowed one year from the date of the publication prescribed in the following section, to register the required particulars respecting their grants in the office of the collector of the revenue of the *zillah* in which the lands may be situated.

Publication to be made requiring all persons to register their grants.

XX. To prevent any pleas being hereafter urged of ignorance of the rule contained in the preceding section, the collector of each *zillah* in which any *jaghire*, *altumgah*, *ayma*, or *muddudmaush*, or other lands held under *sunnuds* or grants, termed *badshahee*, may be

 situated,

situated, upon the receipt of this regulation, is to cause the following publication, which shall be written in the Bengal and Persian languages, in Bengal and Orissa, and in the Persian language, and the Hindoostanee language and Nagree character, in Behar, and attested with their official seals and signatures, to be fixed up in the principal *cutcherree* of the holders of grants of the description of those specified in this regulation, and take a receipt from the holder of such grant, or the person entrusted with the management of it, specifying the date on which the publication may be fixed up, and that he will be responsible for the paper remaining so affixed for one year from the date of it.

Publication.

"In conformity to Regulation XXXVII. 1793, every person being actually in possession of *altumgah*, *jaghire*, *ayma*, *muddudmaush*, or other land, now exempt from the payment of revenue, and held under *badshahee* grants, in the *zillah* of ———, whether made or confirmed by the Government of the country for the time being, or by whatever authority, are required to register the following particulars respecting such grants in the office of the collector of the *zillah*, before the expiration of one year from the date of this publication. If any holders of such grants, who shall not register their grants either in person, or by a *vakeel* with a *vakalutnamah*, attested by two credible witnesses, and given for the express purpose of registering the grants, the grants will be considered liable to resumption, and the lands chargeable with revenue, in the same manner as other lands subject to the payment of revenue. Persons having claims only to hold land exempt from the payment of revenue under such grants, but who do not now hold the lands exempted, are not to register the lands so claimed by them.

Denomination of the grant, whether *altumgah*, *jaghire*, or other tenure.

By whom granted.

Name of the original grantee.

Name of the present possessor, and, if he be not the original grantee, his relationship to him, and whether he succeeded to the land hereditarily, or by purchase, or what other mode.

Date of the grant.

The name or names of the *mohauls* or villages, or lands, comprised in the grant, or in which the land may be situated.

The names of the *zemindar* or other proprietor of the *mohauls* or villages, or lands included in the grant, whether such *zemindaree* or proprietary right, shall be vested in the grantee, or any other person.

The measurement of each *mohaul* or village, or the land included in the grant.

The *pergunnah* or *pergunnahs* in which the lands may be situated.

A copy of the original grant, and other writings under which the land may be held."

Grants not registered within the prescribed time declared liable to resumption, unless the Governor General in Council shall admit them upon the register.

XXI. If any person in possession of any such grant that may be now in force, shall omit to register it by the time prescribed in the publication, together with as accurate a detail of the particulars thereby required as he may be able to furnish, the grant shall by such omission become subject to resumption, and the lands shall become liable to the payment of revenue to Government. The Governor General in Council, however, reserves to himself the power of admitting any grant upon the register after the expiration of the prescribed time, in the event of the possessor showing good and sufficient cause to his satisfaction for not having registered it within the limited period; and the Board of Revenue are to report to the Governor General in Council, every case in which persons who may have omitted to register their grants as required, may appear to them entitled to have their grants admitted upon the register.

Grants not registered within the prescribed period, or admitted by the Governor General in Council, to be considered forfeited.

XXII. After the expiration of the period limited for registering grants, all grants not registered within the prescribed time, and which may not be subsequently admitted on the register by the Governor General in Council, are declared forfeited, and the lands shall be assessed with revenue agreeably to the rules prescribed for the decennial settlement.

Registry of grants not to be considered as an admission of the possessor's proprietary right in the soil, nor of the validity of the grants.

XXIII. It is expressly declared, however, that the registry of a grant under this regulation, is not to be considered as an admission of the right of the person in whose name it may be registered, to the property in the soil, nor of the validity of his grant. Any person will be at liberty to sue in the *dewanny adawlut* for the former, and he will be liable to be sued for the resumption of the grant by the collector, with the sanction of the Board of Revenue, in the event of it appearing to that Board, that the grant is invalid.

Collector to prepare the register upon the expiration of the period limited for the registry of the grants.

Inscriptions on the back of the register.

XXIV. Upon the expiration of the period for registering the grants in each *zillah*, the collector is to prepare a draft of the register in the form which may be prescribed by the Board of Revenue, and to cause it to be transcribed into a book of such dimensions as they may direct. The book shall have the following inscription on the back of it. "Periodical register formed under Regulation XXXVII. 1793, of *altumgah*, *jaghire*, and other lands held exempt from the payment of revenue under *badshahee* grants, in the *zillah* of ——— at the commencement of the year ——— Bengal (Fussily or Willaity) era, corresponding with the year ——— of the Christian era. Number———." Each leaf of the book shall be paged, and be signed by the judge of the *dewanny adawlut* of the *zillah;* and on the last leaf of the book, he is to note in his own handwriting, the number of pages in the book, and subscribe the note with his signature: and no register is to be deemed authentic but such as may be entered in a book so paged and attested. The first periodical register is to be numbered one.

Book to be paged, and each page to be attested by the judge of the *zillah*.

Judge to specify the number of pages in the book on the last leaf.

Second periodical register to commence with the year 1207, to be numbered two, and the subsequent registers in their order.

XXV. The second periodical register, is to commence with the year 1207 of the era current in each province. This register is to be numbered two, and the periodical register to be prepared at the commencement of every subsequent five years, in the order in which it may be formed.

Counterpart register in the native languages to be kept by the keepers of the native records.

XXVI. The keepers of the native records, are to keep an exact counterpart of the English periodical register, in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the judge of the *dewanny adawlut* of the *zillah* in the same manner as the books containing the English registers; and no other counterparts of the registers of grants shall be considered as authentic, but such as may be entered in a book so paged and attested.

In what language the counterpart registers are to be kept.

XXVII. The counterpart registers in Bengal and Orissa, are to be kept in the *Bengal and* Persian languages; and in Behar, in the Persian language*, *and the Hindoostanee language and Nagree character.*

Manner in which resumptions and other occurrences regarding grants in the intervals between the forming of the periodical registers are to be recorded.

XXVIII. For the purpose of recording all resumptions, or new grants, or other occurrences respecting the grants which form the subject of this regulation, that may take place during the interval of the five years between the forming of each periodical register, and the particulars of which will be necessary for forming the second and all future periodical registers, the collectors are to prepare a book of such dimensions as the Board of Revenue may prescribe, and which shall be denominated "the register of intermediate resumptions, or other occurrences, respecting *altumgah*, *jaghire*, or other *badshahee* grants," and shall have the following inscription on the back, "register formed under Regulation XXXVII. 1793, of intermediate resumptions or other occurrences respecting *altumgah*, *jaghire* or other lands, held exempt from the payment of revenue under *badshahee* grants in the *zillah* of ———, between the commencement of the year ———, and the end of the year ———, Bengal (Fussily or Willaity) era." Previous to any entries being made in this register, it is to be paged, and the judge of the *dewanny adawlut* of the *zillah*, is to sign each leaf of it, and on the last leaf, note in his own handwriting the number of pages contained in the book, and attest the note with his signature. The collector is to cause to be entered in this register, all grants not registered within the time prescribed in the publication in Section 20, which the Governor General in Council may order to be admitted upon the register under Section 21, all grants of land that may be adjudged or become liable to the payment of revenue, all lands now paying revenue which may be adjudged to be held exempt from the payment of revenue by any individuals under any grant, all new grants that may be made by the Governor General in Council, and all exempted lands held under such grants which may be separated from or annexed to the jurisdiction of the *zillah*, with the authority for these several occurrences, and also the particulars for completing the requisite entries in the register of intermediate occurrences in the cases specified in Section 16, in which entries are directed to be made in that register.

Documents respecting grants to be furnished by collectors of *zillahs* from which separations may be made.

XXIX. When *mohauls* are ordered to be separated from one *zillah*, and annexed to another, the collector of the *zillah* from which the separation is to take place, is to transmit

* The provisions of this section, as far as they regard the words in Italics, are rescinded by Sect. 15. Reg. VIII. 1800.

to the collector of the *zillah* to which the annexation is to be made, a copy of the entries in the preceding periodical register, as far as they may regard the *badshahee* grants in such *mohauls*, and also of any entries respecting them in the register of intermediate occurrences which may have taken place subsequent to the forming of the last periodical register.

How such separations and annexations of exempted lands are to be notified to the courts of judicature.

XXX. Upon the arrival of the period when the separation is to be carried into effect, the collector of the *zillah* from which the separation may be directed to be made, is to transmit to the judge of the *dewanny adawlut* of his *zillah*, and also to the provincial court of appeal of the division, copies of the entries in the last periodical register, and register of intermediate occurrences, which may relate to the grants to be separated from his *zillah*; and the collector to whose *zillah* the annexation may be made, is to transmit copies of the abovementioned entries (with which he is directed to be furnished in the preceding Section) to the judge of the *zillah*, and to the provincial court of appeal of the division in which the lands may be included. Immediately on the receipt of these papers, the courts from the jurisdiction of which the separation may be made, are to transmit the papers in the causes depending before them, which in consequence of the separation, may become cognizable in any other provincial court of appeal, or *zillah* court, to such court, and to cause notification thereof to be communicated to the parties in writing.

Collectors enjoined never to allow the register of intermediate occurrences to fall in arrear.

XXXI. The collectors are to attest all entries in the register of intermediate resumptions and occurrences with their official signatures, and they are strictly enjoined never to allow that register to fall in arrear, but to make the necessary entries immediately upon any resumptions, or other occurrences taking place.

Counterpart of the English register of intermediate occurrences to be kept by the keepers of the native records.

XXXII. A counterpart of the register of intermediate resumptions and occurrences, is to be kept by the keepers of the native records in the same form as the English register, and in a book, the leaves of which are in like manner to be paged and attested by the judge of the *dewanny adawlut* of the *zillah*.

How errors in the fair copy of the periodical register, and in the register of intermediate occurrences are to be corrected.

XXXIII. When a periodical register shall have been transcribed fair into the book attested by the judge of the *zillah*, as directed in Section 24, if it shall be discovered that the entries respecting any grant are erroneous, or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered or erased, but are to stand, and the collector is to cause the errors or omissions to be noted in the register of intermediate resumptions and occurrences, and to attest the entry with his signature, and insert, in red ink, opposite to the erroneous or incomplete entries in the periodical register, the number of the page in the register of intermediate resumptions and occurrences in which the errors or omissions may be noted, and at the end of the note, specify the number of the page of the periodical register in which the property may be registered. Errors or omissions in the register of intermediate resumptions and occurrences are to be noted in a similar manner.

Similar rule with regard to errors in counterparts of the periodical register, and register of intermediate occurrences in the native languages.

XXXIV. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records, are to be noted by them in the same manner as the collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate resumptions and occurrences in the country languages, shall, in addition to the attestation of the keepers of the native records, be signed by the collector.

Persons in possession of the proprietary right in the lands, to be registered as the proprietors.

XXXV. If the proprietary right in any land included in a *badshahee* grant, shall be under litigation in a court of justice, at the time of forming the first or any subsequent periodical register, the party in possession is to be registered as the proprietor.

Holders of grants liable to be fined for omitting to furnish any information that may be required by the collectors for preparing the registers.

XXXVI. If a collector shall have occasion to require from the holder of a grant, any information that may be necessary to enable him to form a periodical register, or to make the requisite entries in the register of intermediate resumptions and occurrences, and such person shall omit to furnish it by the time required, after having been served by the collector with a written requisition for that purpose under his official seal and signature, the collector is to report the circumstances to the Board of Revenue, who are empowered to impose on such person, whatever daily fine may appear to them proper on a consideration of his situation and circumstances in life, and of the case, until he shall furnish the information required, unless he shall prove to the satisfaction of the Board, that it was not in his power to furnish it.

 The

The collector is to levy the amount of such fines by the process to which he is authorized to have recourse for the recovery of arrears of revenue. The Board of Revenue are to furnish the collectors in the several *zillahs* with such records or information as they may possess regarding the exempted lands in their respective *zillahs*, as well to assist them in preparing the first periodical register, and in detecting frauds that may be attempted to be practised upon them in registering the grants, as to aid them in ascertaining what lands now held exempt from the payment of revenue under grants, are liable to the payment of revenue according to this regulation.

Board of Revenue to furnish the collectors with all papers and information they may possess regarding the exempted lands in their respective *zillahs*.

XXXVII. The collectors of the several *zillahs* are to transmit to the Board of Revenue, as early as may be practicable, an attested copy of the perodical registers both in the English and the native languages, each in a book of the prescribed size, paged and attested by the judge of the *dewanny adawlut* of the *zillah* in the same manner as the original register, as directed in Section 24, and within one month after the expiration of the third, sixth, ninth, and twelfth month of the Bengal, Fussily, and Willaity year, (according to the era current in their respective districts,) an attested copy of the entries in the register of intermediate resumptions and occurrences that may have taken place during the three preceding months. * *The collector of each* zillah *is to transmit a similar copy of the periodical register, and of the quarterly entries in the register of intermediate resumptions, to the judge of the* dewanny adawlut *of the* zillah, *and to the provincial court of appeal, in the jurisdiction of which the* zillah *may be included. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the periodical registers of each* zillah, *and of the quarterly entries in the registers of intermediate resumptions and occurrences, as soon as they may receive them from the collectors.*

To whom the collectors are to send copies of each periodical register and of the quarterly entries in the register of intermediate occurrences.

XXXVIII. The courts of judicature, the Board of Revenue, and the collectors, are enjoined to be particularly attentive to the preservation of the periodical registers and registers of intermediate resumptions and occurrences, both in the English and native languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by insects, or otherwise.

Courts, the Board of Revenue, and the collectors to be careful to preserve the periodical registers and registers of intermediate resumptions.

XXXIX. The periodical register which is to be formed in each of the *zillahs* in Bengal, Behar, and Orissa, at the commencement of the Bengal, Fussily, and Willaity year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding periodical register, and the entries in the subsequent register of intermediate resumptions and occurrences, with the omission of any grants of land that may have been resumed and subjected to the payment of revenue during the preceding five years, or that may have been transferred to the jurisdiction of another *zillah*, and with the addition of any grants of land that may have been annexed to the *zillah*, or that may have been admitted upon the register by the Governor General in Council under Section 21, also new grants made by the Governor General in Council, and lands which any person may be adjudged entitled to hold exempted from the payment of revenue under a *badshahee* grant, by a final decree of a court of judicature in a suit instituted under this regulation. The materials for each periodical register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book, arranged according to the prescribed form.

From what materials the periodical register commencing with 1207, and subsequent registers, are to be formed.

XL. If it shall be proved to the satisfaction of the judge of the *dewanny adawlut* of any *zillah*, that a native officer of a collector, or of an assistant to a collector, shall have received directly or indirectly, any sum of money, or effects or other property, from any person for registering a grant under this regulation, or on account of any matter relating to the registry thereof, the court shall adjudge him dismissed from his office, and compel him to repay the money proved to have been taken, with a fine of three times the amount to Government, and costs to the party suing him, and commit him to prison until he shall have discharged the amount of the decree, or it shall have been made good by the sale of his property.

Penalty for native officers receiving money or property on account of the registry of grants.

XLI. If any native servant or dependant of a collector, or of an assistant to a collector, not being a public officer, shall be convicted before the court of *dewanny adawlut*, of the

Penalty for private servants or dependants of a collector, or of an assistant to a collector, convicted of

* The latter part of this section printed in Italic, is rescinded by Section 15. Regulation VIII. 1800.

offence specified in the preceding section, he shall be compelled to restore the money to the person from whom it may have been taken, and to pay a fine of three times the amount to Government, with costs to the party suing, and be confined for six months; and if he shall not discharge the amount of the decree by the expiration of the sixth month, he shall be confined until he makes good the amount, or it shall be realized from the sale of his property; and the collector, or assistant, is to discharge such servant, and never to employ him in his public or private capacity.

the offence specified in the preceding section.

XLII. No part of this regulation is to be considered to extend to lands held, or stated to be held, exempt from the payment of public revenue under grants not being of the description of those termed *badshahee* or royal. The rules applicable to such grants are contained in Regulation XIX. 1793.

Regulation not to be considered to extend to grants not *badshahee*.

A. D. 1793. REGULATION XXXVIII.

A REGULATION *for re-enacting, with Modifications, such part of the Rule passed on the* 27*th June* 1787, *as prohibits covenanted Civil Servants of the Company employed in the Administration of Justice, or the Collection of the Public Revenue, lending Money to Zemindars, independent Talookdars, or other actual Proprietors of Land, or dependant Talookdars, or Farmers of Land holding Farms immediately of Government, or the Under-farmers or Ryots of the several Descriptions of Proprietors and Farmers of Land above mentioned, or their respective Sureties; and for re-enacting with Alterations the existing Rules prohibiting Europeans of any description, holding possession of Lands that may be mortgaged to them, or purchasing or renting Lands for erecting Houses, or Buildings for carrying on Manufactures or other Purposes, without the sanction of the Governor General in Council.*—PASSED *by the Governor General in Council on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

AT an early period after the establishment of the British Government in this country, the servants of the Company employed in the administration of justice, and the collection of revenue, were prohibited from lending money to the landholders and farmers, and others concerned in the collection or payment of the revenue, in order to guard against the abuses that the powers with which they were invested would have enabled them to practise, had they been permitted to engage in such transactions with individuals subject to their official controul and authority. This rule was incorporated with the judicial regulations, passed on the 5th July 1781, and has since continued in force. From a regard to the prejudices of the natives, and with a view to promote their ease and happiness, and to obviate the evils that would necessarily have resulted from allowing any persons not amenable to the provincial courts of judicature in common with the natives, to purchase or rent estates, without restriction or limitation, or to hold any land whatever, excepting for the erection of dwelling houses, or buildings for manufactures, or other commercial purposes, it was likewise early made a rule, that no European should purchase or hold land out of the limits of Calcutta without the sanction of Government. This rule was included in the revenue regulations passed on the 8th June 1787, and has since remained in force. The rules above mentioned are hereby re-enacted, with modifications.

Covenanted servants of the Company employed in the administration of justice, or the collection of the revenue, prohibited lending money to proprietors or farmers of land, dependant *talookdars*, under-farmers, or *ryots*, or their sureties.

II. The judges and magistrates of the *zillah* and city courts, the judges of the provincial courts of appeal, and the courts of circuit, and the registers to their respective courts, and their assistants, or other officers being covenanted servants of the Company, and the collectors of the revenue and their assistants, are prohibited lending money, directly or indirectly, to any proprietor or farmer of land, or dependant *talookdar*, or under-farmer or *ryot*, or their sureties; and all such loans as have been made in opposition to the repeated prohibitions of Government, or which may be hereafter made, are declared not recoverable in any court of judicature.

Europeans now possessing, or who may hereafter purchase, rent, or occupy land

III. No European of whatever nation or description, shall purchase, rent or occupy, directly or indirectly, any land out of the limits of the town of Calcutta, without the sanction

of

without the sanction of the Governor General in Council, liable to be dispossessed at his discretion.

of the Governor General in Council, and all persons now so holding land beyond the limits of Calcutta, without having obtained such permission, in opposition to the repeated prohibitions of Government, or who may hereafter so purchase, rent, or occupy land, shall be liable to be dispossessed of the land at the discretion of the Governor General in Council, nor shall they be entitled to any indemnification for buildings which they may have erected, or other account.

Europeans not prohibited lending money to proprietors, &c. on mortgage of the estates or leases, not to be allowed to have possession of the land, or to have any concern in the collections.

IV. Europeans who are not prohibited from lending money to proprietors, or farmers of land, dependant *talookdars*, under-farmers, or *ryots*, and who may make loans to them on the security or mortgage of their lands or leases, shall not be allowed, directly or indirectly, to hold possession of the lands, the proprietary right in which, or lease whereof, may be mortgaged to them as security for the loan, or to make or appropriate the collections, or to have any concern or interference whatever in the management or collection of the rents or revenue of the lands.

Collector to depute an officer to measure ground, which the Governor General in Council may permit a European to hold.

Collectors to report when any Europeans may possess themselves of land without authority.

V. When a European shall be permitted by the Governor General in Council, to purchase, occupy, or rent, any land out of the limits of Calcutta, it shall be measured by an officer to be appointed by the collector, and the expence attending the measurement, shall be paid by the party purchasing, renting, or occupying the ground. It shall be the duty of the collectors, to report to the Board of Revenue for the information of the Governor General in Council, every instance that may come to their knowledge in which Europeans may directly or indirectly, purchase, occupy, or rent land without such authority.

Annual statement of lands held by Europeans to be sent by the collectors to the Board of Revenue.

VI. Upon the receipt of this regulation, the collectors are to transmit a statement, specifying the names of the Europeans possessing, renting, or occupying land within their respective *zillahs*, the extent of the land, the purpose to which it is applied, and from what period, and under what authority it has been so possessed, occupied, or rented. The collectors are to transmit a similar statement to the Board of Revenue annually, by the 1st of January.

A. D. 1793. REGULATION XXXIX.

A REGULATION *for the Appointment of the Cauzy Ul cozaat, or head Cauzy of Bengal, Behar, and Orissa, and the Cauzies stationed in the several Districts, and prescribing their respective Duties.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily*; *the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

CAUZIES are stationed at the cities of Patna, Dacca, and Moorshedabad, and the principal towns, and in the *pergunnahs*, for the purpose of preparing and attesting deeds of transfer and other law papers, celebrating marriages, and performing such religious duties or ceremonies prescribed by the Mahomedan law, as have been hitherto discharged by them under the British Government, and also for superintending the sale of distrained property, and paying charitable and other pensions and allowances, under Regulations XVII. and XXIV. 1793. The nature of the abovementioned duties renders it necessary that persons of character, and duly qualified with respect to legal knowledge, should be appointed to these offices; and to encourage them to discharge their trusts with diligence and fidelity, they should not be liable to removal, unless proved to be incapable or guilty of misconduct to the satisfaction of the Governor General in Council. The following rules have been accordingly enacted.

Head *cauzy* of the three provinces to be appointed by the Governor General in Council.

Not to be removed but for incapacity or misconduct, proved to the satisfaction of the Governor General in Council.

II. *First.* The *cauzy ul cozaat* or head *cauzy* of Bengal, Behar, and Orissa, shall be appointed by the Governor General in Council, and shall not be removable from his office, but for incapacity, or misconduct in the discharge of his public duty, or acts of profligacy in his private conduct, proved to the satisfaction of the Governor General in Council.

Seal of the head *cauzy*.

Second. The head *cauzy* is to use a circular seal, two inches in diameter, on which shall be inscribed the designation of his office, and his name, in the Persian language, as follows: —"The seal of the *cauzy ul cozaat* of the provinces of Bengal, Behar, and Orissa." (Name of the head *cauzy.*)

Rule in the preceding section applied to the *cauzies* stationed in the interior parts of the country.

III. *First.* The *cauzies* stationed in the cities, towns, or *pergunnahs* in the three provinces, shall not be removable from their offices, excepting for incapacity or misconduct in the discharge of their public duty, or acts of profligacy in their private conduct. The *cauzies* so stationed, are to use a circular seal, one inch and a half in diameter, on which shall be inserted the designation of their office, and their name, in the Persian language as follows: "The seal of the *cauzy* of the city (town, *pergunnah* or *pergunnahs*) of ———." (Name of the *cauzy.*)

Rule in the preceding clause not to preclude the Governor General in Council from abolishing the office of *cauzy* at any place where he may deem the continuance of such an officer unnecessary.

Second. The rule contained in the preceding clause, is not to be construed to preclude the Governor General in Council from abolishing the office of *cauzy* at any place, where from the number of *cauzies* stationed in the district, or other cause, the continuance of such an officer may appear to him unnecessary.

Vacancies in the office of *cauzy*, in the interior parts of the country, how to be supplied.

IV. When the office of *cauzy* in any *pergunnah*, city, or town shall become vacant, the judge of the *zillah* or city court, within whose jurisdiction the place may be situated, is immediately to report the vacancy to the Governor General in Council, and recommend such person as may appear to him best qualified for the succession; from his character and legal knowledge. The name of the person so recommended, is to be communicated to the head *cauzy*, who, if he shall deem him unqualified for the office, either from want of legal knowledge, or the badness of his private character, is to report the same in writing to the Governor General in Council, who reserves to himself the power of appointing such person to the office, or not, or of conferring it upon any other person, according as may appear to him proper. If there shall appear to the head *cauzy* no objection to the appointment of the person who may be so recommended, he is to report accordingly to the Governor General in Council. The person who may be appointed to the office, shall be furnished with a *sunnud* of appointment under the official seal of the head *cauzy*, in which the date of his appointment is to be specified.

Office of *cauzy* declared not hereditary.

V. The office of *cauzy* is declared not to be hereditary.

Courts of judicature to report incapacity or misconduct in the mofussil *cauzies* to the Governor General in Council.

VI. *First.* The *zillah* and city courts, and the provincial courts of appeal, are to report to the Governor General in Council, every instance in which it may appear to them that the *cauzy* of any *pergunnah*, city, or town, within their respective jurisdictions, is incapable, or in which it may be proved to their satisfaction that he has been guilty of negligence or misconduct in the discharge of his public duty, or of acts of profligacy in his private conduct.

Similar reports to be made by the head *cauzy*.

Second. It shall likewise be the duty of the head *cauzy*, to report to the Governor General in Council in writing, every instance in which it may appear to him that the *cauzy* of any city, town, or *pergunnah*, is incapable, or in which any such *cauzy* may have been guilty of misconduct in the discharge of his public duty, or acts of profligacy in his private conduct.

Records to be kept by the head *cauzy* and the *cauzies* stationed in the interior parts of the country, which are to be delivered complete to their successors.

VII. The head *cauzy*, and the *cauzies* stationed in the cities, *pergunnahs*, and towns, are to keep copies of all deeds, and law or other papers, which they may draw up, or attest, and are to affix thereto their seals and signatures. They are likewise to keep a list of all such papers, and in the event of their death, resignation, or removal, the list and papers are to be delivered complete to their successors.

Rules regarding the fees of the *cauzies*.

VIII. The *cauzies* stationed in the cities, towns, and *pergunnahs*, are not to exact any fees for drawing up, or attesting papers, or for the celebration of marriages, or the performance of any religious duties or ceremonies which it has been customary for them to perform, excepting such as the parties concerned may voluntarily agree to pay, as has been hitherto the practice.

Judges of the *zillah* and city courts to report the number of *cauzies* stationed in their respective jurisdictions.

Cauzies of *pergunnahs* to be stationed in the centre of the *pergunnahs*.

IX. Upon the receipt of this regulation, the judges of the *zillahs* and cities, are to transmit to the Governor General in Council, the names of the places in their respective jurisdictions in which *cauzies* are stationed, the names of the *cauzies*, and what number of *cauzies* they deem sufficient for their respective jurisdictions. The judges of the *zillahs* are to fix the residence of the *cauzies* stationed in the *pergunnahs* in the most centrical places, in order that distrainers of property, and persons whose property may be distrained, under Regulation XVII. 1793, may have ready access to them.

Judges to furnish the *cauzies* with copies of the translates of all regulations published as directed by Regulation XLI. 1793.

X. The judges in Bengal and Orissa are to furnish the *cauzies* stationed in their respective jurisdictions, with copies of the Persian and Bengal translates of all regulations, printed and published in the manner directed in Regulation XLI. 1793. The judges in Behar are to furnish the *cauzies* stationed in their respective jurisdictions, with the Persian translates of all such regulations.

Cauzies stationed in the *zillahs* and cities liable to be sued in the cases herein specified.

XI. The *cauzies* stationed in the several *zillahs* and cities are to be liable to be sued, in the *dewanny adawlut* for any undue practices in the discharge of the duties prescribed to them by Regulation XVII. 1793, or any other regulation, printed and published in the manner directed in Regulation XLI. 1793.

A. D. 1793. REGULATION XL*.

A REGULATION *for granting Commissions to Natives, to hear and decide civil Suits for Sums of Money, or personal Property of a Value not exceeding fifty sicca Rupees, and prescribing Rules for the Trial of the Suits, and enforcing the Decisions which may be passed upon them.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

THERE *being but one established tribunal in each* zillah *for the trial of causes, the parties in the most trivial suits, wherever they may reside, are often obliged to repair in person to the place at which the court is held, and to attend on it until the suit is decided. Besides the expence and inconvenience necessarily resulting to the parties themselves from quitting their employments, and proceeding to a distance from their habitations, greater hardship is experienced by their witnesses, who, notwithstanding they may be uninterested in the issue of the suit, are obliged, excepting in particular cases, to attend the court in person, to the great detriment of their private affairs. In addition to these evils, the numerous petty suits filed both in the city and* zillah *courts, occupy the greater portion of the time of the judges, protract the decision of causes of more importance, and obstruct the general administration of justice. To relieve the courts, as far as may be practicable, from the trial of these petty suits; to afford the parties an opportunity of obtaining an adjustment of them, without subjecting themselves or their witnesses to the injurious consequences above stated, and to expedite the decision of causes of every description, the following rules have been enacted.*

Commissions to be granted to Mahomedans and Hindoos to determine suits for money or personal property not exceeding fifty sicca rupees.

II. Commissions shall be granted to Mahomedans and Hindoos in the cities of Patna, Dacca, and Moorshedabad, and in the several zillahs, *to try and determine suits for sums of money, or personal property, not exceeding in amount or value fifty sicca rupees.*

Commissioners to be nominated by the judges, and approved by the Sudder Dewanny Adawlut.

III. First. *The commissioners are to be nominated by the judges of the* zillahs *and cities, and approved by the Sudder Dewanny Adawlut; but no person shall be allowed to act as commissioner, until the previous sanction of that court to his nomination shall have been obtained.*

Commissioners to receive sunnuds *under the seal and signature of the judge.*

Second. *The commissioners shall receive* sunnuds *of appointment under the seal and signature of the judge of the* zillah *or city court under which they may act.*

Commissioners not to be removed without sufficient cause proved to the satisfaction of the Sudder Dewanny Adawlut.

Third. *No commissioner shall be removed from his office during the period for which his commission may be declared to be in force, without sufficient cause proved to the satisfaction of the Sudder Dewanny Adawlut.*

Rules for the appointment of the city commissioners, the duration of their commissions and their powers.

IV. First. *The following rules are prescribed regarding the appointment of the commissioners in the cities of Patna, Dacca, and Moorshedabad, the duration of their commissions, and their powers.*

* This regulation is rescinded by Section 2, Regulation XXIII. 1814.

Cauzies of the three cities to be nominated commissioners.

Second. *The* cauzy *of each of the three cities of Patna, Dacca, and Moorshedabad, shall be nominated a commissioner in virtue of his office, and shall attend at the* cutcherree *or court-house, for the trial and decision of suits, three days in each week, or as often as the judge may direct.*

Judges to nominate persons of character and ability to officiate as commissioners.

Third. *The judges of the three cities, are likewise to nominate a number of persons of acknowledged character and ability, who may be willing to undertake the trust, to officiate as commissioners in their respective jurisdictions. The number of commissioners of this description in each city shall be such, that the judge may not have occasion to refer to them respectively, more causes than they may be able to determine with promptness, and without occupying a greater portion of their time than their own affairs will admit of their appropriating to the discharge of their trust.*

Causes may be referred to two or more commissioners jointly, but in general to be referred to a single commissioner.

Fourth. *The judges are to make it a general rule to refer causes to the commissioners singly, but in cases in which for special reasons it may appear to them advisable, they are empowered to refer causes to two or more commissioners jointly.*

When the commissions of the city commissioners are to expire.

Fifth. *The commissions of the* cauzies *are to remain in force whilst they hold their offices, and those of the other city commissioners, whilst their general residence may be within the limits of the city jurisdiction, and no longer.*

City commissioners to act in the two capacities of referees and arbitrators.

Sixth. *The commissioners in the three cities, are to act in the following capacities: firstly, referees* (ameens), *in which capacity they shall hear and determine such suits as may be referred to them by the* dewanny adawlut; *secondly, arbitrator* (salisân), *in which capacity they are to hear and determine such suits, as persons whether residing within or without the limits of the city, may voluntarily submit to their decision by arbitration bonds.*

Rules respecting the appointment of the zillah *commissioners, the duration of their commissions, and their powers.*

Rule for determining the number of the zillah *commissioners.*

V. First. *The following rules are prescribed respecting the appointment of the commissioners in the* zillahs, *the duration of their commissions, and their powers.*

Second. *The number of commissioners to be selected in each* zillah, *where local circumstances will admit, shall be such, that the court may not be under the necessity of obliging a defendant, wherever he may reside, to proceed a greater distance than five* coss *to answer any suit that may be preferred against him.*

From what descriptions of persons the commissioners shall be selected.

Proprietors of land.

Farmers.

Tehsildars *and* sezawuls.

Managers of the estates of disqualified landholders.

Under-farmers.

Creditable merchants, &c. in the principal towns, bazars, *&c.*

Altumgahdars, *and* jaghiredars.

Cauzy *of Calcutta to be commissioner for the* zillah *of the Twenty-four Pergunnahs, in virtue of his office.*

Cauzies *of the places at which the other* zillah *courts are established, to be commissioners in virtue of their offices.*

Cauzies *who are unqualified for the trust, to be removed, and fit persons appointed in their room.*

Mofussil cauzies.

Third. *The commissioners shall be selected from amongst the following descriptions of persons, and the judges are enjoined to nominate those who may be best qualified for the trust by their character and abilities.* Firstly, *The principal proprietors of land who have the management of their own estates.* Secondly, *Farmers of land holding farms immediately of Government.* Thirdly, Tehsildars *or* sezawuls *collecting the revenues from lands held* khas, *or small estates whether let in farm or held* khas. Fourthly, *Managers appointed by the court of wards to the care of estates belonging to disqualified proprietors.* Fifthly, *Under-farmers, or officers of credit and responsibility entrusted with the collection of the rents and revenues in estates (whether the public revenue assessed thereon be collected and paid to Government by the proprietor, or by a farmer, or by a manager on the part of the court of wards, or a* tehsildar, *or* sezawul) *which may be considered too extensive for the proprietor, farmer, manager,* tehsildar, *or* sezawul, *to determine with promptness all the suits that might come before him.* Sixthly, *Creditable merchants, traders, and shopkeepers, or other persons of property and acknowledged character, residing in towns,* bazars, hauts, gunges, *or* aurungs, *of sufficient extent to require the appointment of a separate commissioner therein for the determination of suits.* Seventhly, Altumgahdars *and* jaghiredars, *possessing extensive* altumgahs *or* jaghires, *or the persons appointed by them to manage their* altumgahs *or* jaghires. *Eightly, The* cauzy *of Calcutta, shall be commissioner for the* zillah *of the Twenty-four Pergunnahs in virtue of his office, and the* cauzy *of the town or place in which each of the other* zillah *courts is established, shall also be a commissioner for the* zillah *in virtue of his office. These* cauzies *respectively are to decide the suits that may be referred to them, at the* cutcherree *or court-house of the judge, where they are to attend for that purpose as often as he may deem it necessary. If any of these* cauzies *shall be deemed by the judges unqualified in any respect for the duties prescribed to them, they are to inform the Sudder Dewanny Adawlut, and recommend competent persons to succeed to their offices. Ninthly,* Mofussil cauzies.

Fourth. *The commissions of proprietors of land are to be in force no longer than they may have the management, and are responsible to Government for the public revenue assessed on their respective estates. The commissions of farmers of land holding farms immediately of Government,* tehsildars, sezawuls, *managers, under-farmers, or revenue officers in large estates, are to expire with the leases of the farms or the offices in virtue of which they may receive their commissions. The commissions of the commissioners in the large towns,* bazars, gunges, hauts, *or* aurungs, *shall remain in force whilst their general residence may be within the limits of such place, and no longer. The commissions of* altumgahdars *and* jaghiredars *shall cease on the resumption of their* altumgahs *or* jaghires, *and those of the managers, of their* altumgahs *and* jaghires, *on their removal from their employment. The commissions of the* cauzy *of Calcutta for the Twenty-four Pergunnahs, and those of the* cauzies *at the stations where the other* zillah *courts are established, and the* mofussil cauzies, *are to remain in force whilst they hold their respective offices, and no longer.*

Rules respecting the duration of the commissions of the zillah *commissioners.*

Fifth. *The Sudder Dewanny Adawlut however may, for special reasons, dispense with the rules contained in the preceding clause regarding the duration of commissions, in any cases in which it may appear to them advisable.*

Sudder Dewanny Adawlut may dispense with the rules in the preceding clause.

Sixth. *Commissioners being proprietors of land, farmers of land holding farms immediately of Government,* tehsildars, sezawuls, *managers, under-farmers, officers of credit and responsibility, or* altumgahdars *and* jaghiredars, *shall act in the two first of the three following capacities; and any of the commissioners above described in this clause, in whose abilities and character the judges and the Sudder Dewanny Adawlut shall repose special confidence, may be empowered to act also in the third capacity.* First, *referees* (ameens), *in which capacity they are to hear and determine such suits as may be referred to them by the* dewanny adawlut. Secondly, *arbitrators* (salisân), *in which capacity they are to hear and determine such suits as persons wherever residing may voluntarily submit to their decision by arbitration bonds.* Thirdly, munsiffs, *in which capacity they are empowered to receive, try, and determine, of their own authority, without any order from the* adawlut, *or application thereto by the plaintiff, such suits as may be preferred to them against persons being under-renters or* ryots, *in the estate, farm,* mohaul, jaghire, *or* altumgah, *in virtue of which they may be vested with the office of commissioner. But the terms under-renters and* ryots, *are to be considered to extend only to such persons as are* bonâ fide *under-renters and* ryots, *or cultivators of land by profession, and are not to be construed to include merchants, traders, and shop-keepers, or other persons, residing in the towns and villages, who only rent or hold on* pottah, *land attached to their dwelling houses, or for gardens. The Sudder Dewanny Adawlut, however, are empowered to extend the jurisdiction of a* munsiff *to any circumjacent estates or farms, in cases in which it may appear to them advisable.*

Zillah commissioners of the description herein mentioned to act in the distinct capacities of referees, arbitrators, and munsiffs.

Seventh. *The* cauzy *of Calcutta, the* cauzies *at the stations at which the other* zillah *courts are established,* mofussil cauzies, *and the commissioners in the large towns,* bazars, gunges, hauts, *or* aurungs, *are to exercise the functions of referees and arbitrators only. The Sudder Dewanny Adawlut may however, in instances in which they may deem it advisable, empower such* cauzies *and commissioners to act as* munsiffs *also, specifying in their commission the limits of their jurisdiction, and the descriptions of persons over whom their authority is to extend.*

Other commissioners to act as referees and arbitrators only.
Exception.

VI. The judges of the zillahs *and cities, are to grant commissions* (sunnuds) *under their seals and signatures to the persons who may be appointed commissioners, in the following form.*

Form of the commissions to be granted to the commissioners.

"*I A. B. judge of the* dewanny adawlut *of the* zillah *(or city) of*———, *in virtue of the powers vested in me by Regulation XL.* 1793, *appoint you* ——— *commissioner, with the powers of referee* (ameen) *and arbitrator* (salis), *and (if the commissioner be appointed* munsiff *also)* munsiff, *for trying and deciding suits for sums of money or personal property, not exceeding fifty sicca rupees, which may be referred to you by the court in your capacity of referee* (ameen), *or that may be submitted to you by the parties by arbitration bonds in your capacity of arbitrator* (salis), *or (if the commissioner be a* munsiff *also) that may be preferred to you in the first instance in your capacity of* munsiff

against any individual coming within the description of the persons subject to your jurisdiction as described in clause sixth, Section 5, of the abovementioned regulation, and residing in your estate, farm, jaghire, altumgah, *or other lands, the rents and revenues of which are collected by you. You are to fix up this commission in the room or place in which you may try and decide the suits that may come before you, in either of the capacities above mentioned; and are not on any account to try or decide any suit without so fixing up this commission, or a counterpart or copy of it, under the seal and signature of the judge of the* zillah *or city. You are to try and decide all such suits, and to exercise the authority vested in you agreeably to the rules prescribed in Regulation XL.* 1793, *or such other regulations as may be hereafter passed by the Governor General in Council, and printed and published as prescribed in Regulation XLI.* 1793. *You are to exercise the powers of commissioner herein vested in you, (if the commissioner be a* cauzy,*) so long only as you may hold the office of* cauzy *of* ———, *or, (if the commissioner be a proprietor of land,) so long only as you may be the proprietor of the estate of* ———, *and pay the revenue assessed thereon to Government, or, (if the commissioner be a farmer of land holding a farm immediately of Government,) so long only as you may hold the farm of* ———, *or, (if the commissioner be a* tehsildar *or* sezawul, *or the manager of the estate of a disqualified landholder,) so long only as you may hold the office of* tehsildar *or manager of* ———, *or, (if the commissioner be an under-farmer, or an officer, entrusted with the collection of the rent and revenues of any estate or land,) so long only as you may hold the farm or employment of* ———, *or, (if the commissioner be an* altumgahdar, jaghiredar, *or a person vested with the management of an* altumgah *or* jaghire,*) so long as you may hold the* altumgah, *or* jaghire, *or be entrusted with the management of the* altumgah, *or* jaghire *of* ———."

Oath to be taken by the commissioners.

VII. First. *Every commissioner, previous to entering upon the execution of the duties of his office, shall take and subscribe the following oath before the judge of the* zillah *or city court in which he may be appointed to officiate, or any person whom he may commission to administer it.*

"*I A. B.* ——, *(designation of the commissioner, as proprietor of* ———, *or farmer of* ———, *&c.) appointed commissioner for trying and determining civil suits for sums of money, or personal property, not exceeding in amount or value fifty sicca rupees, solemnly swear, that I will impartially determine the suits that may come before me for decision in my capacity of referee* (ameen), *arbitrator* (salis), *and (if the commissioner be a* munsiff*)* munsiff, *according to the best of my abilities and judgment, and that I will not directly or indirectly receive, or knowingly allow any other person to receive, any money, effects or property, on account of any suit that may come before me for decision, and that I will in all respects truly and faithfully execute the trust reposed in me.*"

Declaration to be subscribed by commissioners who may be exempted from taking oaths.

Second. *If any person who may be appointed commissioner, shall object to taking the oath, and he shall come within the description of the persons exempted from taking oaths by Section 6, Regulation IV.* 1793, *on account of their rank or cast, the judge is empowered to exempt him from taking the oath, and to cause him to subscribe a written declaration to the same effect.*

No person to be allowed to officiate as commissioner, until they have taken the oath or subscribed the declaration.

Third. *No person shall be allowed to officiate as commissioner until he has taken the oath, or subscribed the declaration above directed, and the oaths and declarations so subscribed, are to be deposited amongst the records of the* dewanny adawlut.

Commissioners liable to prosecution for corruption, or oppressive and unwarranted acts.

Punishment on conviction.

VIII. Commissioners shall be liable to prosecution in the dewanny adawlut *for corruption in the discharge of their trust, and for any oppressive and unwarranted act of authority; and upon proof of the charge to the satisfaction of the judge, he shall in the first mentioned case, adjudge the offender to pay to the prosecutor three times the amount or value of the money or property corruptly received, with all costs of suit; and in the second, award such damages and costs to the party injured as may appear to him equitable.*

Commissioners not liable to prosecution for errors or want of form in their proceedings. No process to be issued against commissioners on charges for which he is declared liable to prosecution.

But no commissioner shall be liable to be prosecuted for want of form, or for error, in his proceedings or judgment, nor shall any process whatever be issued against a commissioner, who may be charged with corruption, or any oppressive and unwarranted act of authority, unless the judge shall be previously satisfied by sufficient evidence, that there is ground to believe that the charge is well founded.

IX. First. *The following are the rules prescribed respecting suits referrible to the city and* zillah *commissioners, in their capacity of referees or* ameens.

until the judge shall be satisfied by previous enquiry that there is sufficient foundation for them.

Rules respecting the reference of suits to the commissioners in their capacity of ameens.

Rules to be observed by the judge in referring suits, now depending or that may be hereafter filed.

Second. *Suits for sums of money, or personal property, not exceeding fifty sicca rupees in amount or value, which may be now depending in, or that may be hereafter preferred, to any* zillah *or city court, and which the judge may not deem it proper to try himself, or cause to be tried by his register, under Section 6, Regulation XIII.* 1793, *shall be referred by him, if the suit be instituted in either of the three city courts, to one, or two, or more commissioners, or, if it be lodged in a* zillah *court, to the commissioner, nearest to whose place of abode the defendant may reside, unless for special reasons the judge shall deem it proper to refer the suit to any other commissioner, or to any two or more commissioners.*

Third. *The authorized* vakeel *of the plaintiff (if he shall have entertained a* vakeel*) who may act for him at the time the order of reference may be issued, shall receive from the plaintiff four* annas, *as a fee for obtaining the order of reference to the commissioner.*

Fee of four annas *to be paid to the authorized* vakeel *of the plaintiff.*

Fourth. *The order for reference of the cause shall bear the seal of the court, and the signature of the judge, and shall specify the number of the cause, as it stands on the register of the court, the names of the parties, the amount or value of the money or property sued for, the date of the reference according to the English era, with the corresponding date of the Bengal, Fussily, or Willaity era, (according to the province in which the court making the reference may be established,) the date by which the plaintiff and defendant, in person or by* vakeel, *and also any witnesses of either of the parties, if any witnesses shall have been named, are to appear before the commissioner, and shall be accompanied by a copy of the petition of complaint, and by such original exhibits as may have been filed in the cause.*

What the order for reference is to contain, and by what papers it is to be accompanied.

Fifth. *The plaintiff and defendant shall be at liberty to appoint any persons whom they may think proper to act as their* vakeel *before the commissioner, furnishing them with a* vakalutnamah *under their seals and signatures, and attested by two credible witnesses.*

Parties may appoint any persons they may think proper to act as their vakeels *before the commissioners.*

Sixth. *The court is to cause the same security to be taken from the defendant to appear in person or* vakeel *before the commissioners by the limited time, as he would be required to give for his appearance, were he to be tried before the court.*

Usual security to be taken from defendants in causes to be tried.

Seventh. *If the plaintiff shall not appear before the commissioner in person or by a* vakeel *duly authorized, by the limited time, the commissioner shall dismiss his claim.*

Commissioner to dismiss the plaintiff's claim, in the event of his not appearing by the limited time.

Eighth. *If the defendant shall not so appear by the prescribed time, the commissioner shall proceed to try the cause* ex parte.

Commissioner to try the cause ex parte, *if the defendant shall not appear.*

Ninth. *In the event, however, of the dismission of the suit under clause seventh, or of its being tried* ex parte *under clause eighth, the judge in the first case may order his register, or the commissioner, to try the merits, or try them himself; and in the second, direct the cause to be tried* de novo, *either by the register or by the commissioner, or try it himself, provided the plaintiff in the former case, and the defendant in the latter, shall show to him satisfactory cause for not having appeared before the commissioner by the prescribed time.*

Discretionary power vested in the judge in the cases specified in the two preceding clauses.

Tenth. *If the plaintiff or defendant shall be desirous of summoning any witnesses to appear before the commissioner, and the witnesses shall not attend at the requisition of the parties, the court, on application from the commissioner, or either of the parties, or their* vakeels, *shall cause them to appear before the commissioner, or direct their depositions to be taken before the court, or any commissioner near to whom they may reside. Commissioners, however, acting as* munsiffs *as well as referees, may order any persons declared subject to their jurisdiction in that capacity by clause sixth, Section 5, to attend as witnesses, and in the event of their not obeying the summons, to attach any personal property belonging to them not exceeding the amount or value of the money or property sued for, until they appear as required.*

How the depositions of witnesses in causes referred to the commissioners are to be procured.

Commissioners may enforce attendance of witnesses subject to their jurisdiction in their capacity of munsiffs.

Eleventh. *The commissioners are to try the suits referred to them, by hearing the pleadings of the parties, examining their documents, and taking the depositions of the witnesses,*

How the commissioners are to conduct the trial of the suits.

witnesses, in the presence of the parties or their vakeels *duly constituted; and in all other respects, they are to consider the principles laid down in the regulations prescribed to the* zillah *and city courts for trying and deciding suits as the general rule for their guidance, as far as circumstances may admit, and as may be consistent with the expeditious determination of the suits.*

Costs and damages to be decreed against the party cast.

Suitable costs and damages to be invariably given in litigious cases.

Twelfth. *The commissioner is to decree such costs and damages against the party cast as may appear to him equitable; and if any claim shall appear to him litigious and vexatious, he is invariably to decree suitable costs and damages against the plaintiff.*

Commissioners may fine parties, vakeels, *or witnesses, for disrespectful behaviour, and the latter for refusing to give their testimony.*

Thirteenth. *If either of the parties, or their* vakeels, *or the witnesses in any suit, shall be guilty of disrespectful behaviour to a commissioner whilst in attendance upon him for the trial of the suit, or if any witness duly summoned shall refuse to give his testimony, the commissioner is empowered to impose such fine on the party,* vakeel, *or witness, so offending, as may appear to him proper on a consideration of the case, and the situation and circumstances in life of the offender, and the fine shall be levied in the same manner as decrees of the commissioners are hereafter directed to be enforced.*

Commissioners to deliver copies of their decisions to the plaintiff and defendant, or their vakeels.

Rule to be observed by the commissioners, in the event of the parties omitting or refusing to take a copy of the decree.

Fourteenth. *The commissioners are to deliver a copy of their decisions to the plaintiff, and to the defendant, or their respective* vakeels, *within three days after the day on which the decision may be passed. If the plaintiff, or defendant, or their respective* vakeels, *shall omit to attend to receive a copy of the decision within the prescribed time, or shall refuse to take a copy of it when tendered, the commissioner shall endorse a note of such refusal or omission on the back of the copy of the decision which he is hereafter required to forward to the court.*

Fifteenth. *No cause shall be referred to, or tried by a commissioner in which he or any of his immediate servants, may be a party, or in any wise interested.*

Commissioners to try the suits themselves, and not to allow any persons to interfere.

Sixteenth. *The commissioners are to try and determine all suits themselves, and are not to allow their officers, servants, or dependants, or any other persons to interfere therein.*

Rules respecting commissioners in their capacity of arbitrators.

X. First. *The following rules are prescribed to commissioners in their capacity of arbitrators* (salisàn.)

All persons may submit suits to the arbitration of the commissioners without previous application to the court.

Second. *Persons, wherever they may reside, are at liberty to refer suits to any commissioner without any previous application to the court, upon executing and delivering to him, an arbitration bond under their signatures, attested by two creditable witnesses, appointing him arbitrator in the cause, and agreeing to abide by his decision, and to make it a decree of the court.*

Decisions of the commissioners as arbitrators not to be set aside, but for corruption or partiality.

Third. *Decisions passed by the commissioners in their capacity of arbitrators, shall not be set aside, or altered by the court, but for corruption or partiality, proved to the full satisfaction of the court by the oaths of two creditable witnesses.*

How the commissioners are to proceed in the event of the parties not attending for the trial of the suit.

Rule for the conduct of the judge in such cases.

Fourth. *If the parties, after having executed the arbitration bonds, shall not appear before the commissioner at such time or times as he may prescribe, he shall proceed as directed with regard to the suits specified in clauses seventh and eighth, Section* 9, *and the discretionary powers vested in the judge in clause ninth of that section, are declared to extend to the suits that may be dismissed or tried* ex parte *by the commissioners under this clause.*

Rules in the clauses herein mentioned of section 10, *applicable to suits submitted to the commissioners in their capacity of arbitrators.*

Fifth. *The rules contained in clauses fifth, tenth, eleventh, thirteenth, fourteenth, and sixteenth, of Section* 9, *regarding suits referred to the commissioners in their capacity of referees, are to be considered applicable to suits submitted to them in their capacity of arbitrators.*

This regulation not to preclude the court from constituting the commissioners arbitrators, under section 3, *Regulation XVI* 1793.

Sixth. *No part of this regulation is to be construed to prevent the judges appointing any commissioner arbitrator in the causes specified in Section* 3, *Regulation XVI.* 1793.

Rules applicable to suits referred to the commissioners as munsiffs.

XI. First. *The following rules are prescribed respecting suits referrible to commissioners in their capacity of* munsiffs.

Commissioners how to procure the appearance of the defendant, and to proceed

Second. *When a suit is preferred to a commissioner in his capacity of* munsiff, *against an individual subject to his jurisdiction in that capacity, as specified in clause sixth, Section* 5, *he shall require the defendant to appear and answer to the complaint on a certain*

day, by a writing to that effect, which shall also specify the nature of the claim, and require the defendant to give personal security for his appearance. If the defendant shall refuse to give security, the commissioner is empowered to attach any personal property belonging to him, not exceeding the amount or value of the money or thing sued for, until he shall give the required security, and in the event of his not giving security before the decision of the suit, and of the decree being passed against him, to hold the property in attachment, and to deliver it to the officer of the court to be sold in satisfaction of the decree, unless the defendant shall previously discharge the amount of it.

In case of his not appearing when summoned.

Third. *But the commissioners in their capacity of* munsiffs *shall on no account summon any woman to appear before them, either as a party or witness in a cause, if her rank, or cast, shall be such as to render it improper, according to the customs and usages of the country, to require her to appear in public.*

Commissioners prohibited summoning in any capacity women who are not allowed to appear in public, according to the laws and customs of the country

XII. The rules contained in clauses fifth, seventh, eighth, ninth, tenth, eleventh, twelfth, thirteenth, fourteenth, and fifteenth, of Section 9, *regarding suits referred to the commissioners in their capacity of referees, are to be considered equally applicable to suits which may come before them in their capacity of* munsiffs.

Rules in the clauses herein mentioned of section 9, *to be considered applicable to suits coming before the commissioners in their capacity of* munsiffs.

XIII. No commissioner, either in his capacity of referee, arbitrator, or munsiff, *shall confine a party,* vakeel, *or witness, in any suit which may come before him, or inflict on them any punishment whatever, excepting imposing fines on parties,* vakeels, *or witnesses, for disrespectful behaviour, and on the latter refusing to give their testimony, as above authorized.*

Commissioners prohibited confining or punishing parties, vakeels, *or witnesses in any manner whatever.*

Exception with regard to parties, vakeels, *or witnesses guilty of disrespectful behaviour, and the latter refusing to give their testimony*

XIV. The decisions passed by the commissioners in their capacities of referees, arbitrators, or munsiffs, *shall be enforced by the court of* dewanny adawlut, *and no commissioner, in either of those capacities, shall enforce his own decision in any case whatever; and any commissioner who shall issue any process, or use any coercive means, for enforcing his own decision, shall, upon conviction of the act before the* dewanny adawlut *of the* zillah *or city under which he may officiate, be adjudged to pay to the person against whom such process or coercive means may be issued or used a sum equal to twice the amount of the decree, with all costs that may be incurred by him in carrying on the prosecution in the* dewanny adawlut.

Commissioners not to enforce their own decisions.

Penalty for breach of this rule.

XV. To enable the zillah *and city courts to enforce the decisions that may be passed by the commissioners in their capacity of referees, arbitrators, or* munsiffs, *the commissioners shall, on the fifth of every month, transmit to the judge the three following reports of the suits decided by them in the preceding month. These reports are invariably to be accompanied by all the original papers and documents in each cause, and the* razenamahs *in those causes in which the parties cast may have abided by and satisfied the decisions, that they may be deposited amongst the records of the court, and be referred to in the event of an appeal being lodged from any of the decisions. Upon the receipt of these reports, the courts shall enforce the decisions which may not have been satisfied, unless appealed against within the time hereafter limited.*

Monthly reports to be transmitted by the commissioners to the judge, to enable him to enforce their decisions.

Report of causes decided by A. B. proprietor of ——— *(or other designation) commissioner, in his capacity of referee (*ameen*) in the month of* ——— 1793 *English era, corresponding with the* ——— 1200 *Bengal (Fussily or Willaity) era.*

Number of the cause on the register of the court.	*Names of the parties.*	*Amount or value of the money or property sued for*	*Decree.*	*Date of reference according to the English and local era*	*Date of the decree.*
200	*Ram Doss,* versus *Sheeb Chund.*	*Forty rupees on bond with interest.*	*Decreed forty rupees principal, and ten rupees interest, and five rupees costs to plaintiff.*	*10th Jan.* or *Maug* 1200	*1st Chyte.*
400	*Mohummed Aukil,* versus *Ramzaan.*	*Ten rupees balance of rent of land.*	*Dismissed with one rupee costs to defendant, the claim not being established.*	*11th Jan.* or *Maug.*	*5th Chyte.*
450	*Ram Chund,* versus *Netas.*	*Twenty-four rupees, price of two bullocks.*	*Dismissed, parties having executed a* razenamah.	*12th Jan.* or *Maug.*	*6th Chyte.*

Report of causes decided by A. B. proprietor of ——— *(or other designation) commissioner, in his capacity of arbitrator (*salis*) in the month of* ——— 1793 *English era, corresponding with the* ——— 1200 *Bengal (Fussily or Willaity) era.*

Names of the parties.	*Substance of the cause.*	*Date of the arbitration bonds of the parties*	*Decision.*	*Date of the Decision.*
Mohummed Aukil, versus *Ram Churn.*	*Twenty-four rupees, balance of an account of rent of lands.*	*20th Maug.*	*Awarded twenty-two rupees to plaintiff.*	*10th Phaugun.*

Report of the causes decided by A B. proprietor of ——— *(or other designation of the commissioner) in his capacity of* munsiff, *in the month of* ——— 1793, *English era, corresponding with the* ——— 1200 *Bengal (Fussily or Willaity) era.*

Names of the parties.	*Substance of the suit.*	*The decision.*	*Date on which the suit was preferred.*	*Date of the decision.*
Ram Churn, versus *Radanaut.*	*Twenty rupees on bond with interest.*	*Decreed twenty rupees principal in favour of the plaintiff, and five rupees interest, and one rupee costs. Total 26 Rupees.*	*1st Maug.*	*10th Maug.*

Decisions of commissioners as referees to be inserted in the monthly abstract register of causes decided.

Causes decided by the commissioners as arbitrators and munsiffs, *to be brought on the monthly abstract register.*

Quarterly reports of causes undecided to be sent to the commissioners.

XVI. The decisions passed by the commissioners in their capacity of referees, are to be brought on the monthly abstract register of causes decided, which the courts are required to transmit to the provincial courts of appeal and Sudder Dewanny Adawlut, by Section 11, *Regulation XVIII.* 1793. *The causes which may be decided by the commissioners in their capacity of arbitrators and* munsiffs, *shall also be brought on the monthly abstract register.*

XVII. The commissioners shall likewise be required to transmit, on the last day of the third, sixth, ninth, and twelfth month of the Bengal, Fussily, or Willaity year, (according to the era current in the province,) reports of the causes depending before them, in their respective capacities of referees, arbitrators, and munsiffs, *drawn out in the following form.*

Report of causes before A B. proprietor of———(or other designation of the commissioner) in his capacity of referee, remaining undecided on the———Bengal (Fussily or Willaity) era.

Number of the cause on the register of the court.	Names of the parties.	Substance of the suit	Date of reference.	Remarks explanatory of the cause of the suit not having been decided.
300	Ram Churn, versus Gunga Bishun.	Ten rupees on bond with interest.	10th January 1793, or — Maug.	

Report of causes before A. B. proprietor of ——— (or other designation of the commissioner), in his capacity of arbitrator, on the———Bengal (Fussily or Willaity) era.

Names of the parties	Substance of the suit	Date of the execution of the arbitration bonds	Remarks explanatory of the cause of the suit remaining undecided.
Bishenaut, versus Akber Ally.	Thirty rupees, balance of accounts.	10th Maug.	

Report of causes before A. B proprietor of ——— (or other designation of the commissioner) in his capacity of Munsiff, remaining undecided on the———Bengal (Fussily or Willaity) era.

Names of the parties	Substance of the suit.	Date on which it was preferred.	Remarks explanatory of the cause of the suit remaining undecided
Peer Mahomed, versus Ramduloll.	Forty rupees on bond.	14th Maug.	

XVIII. The required monthly and quarterly reports, shall be enclosed in a cover, addressed to the judge, and sealed with the seal of the commissioner. The packet shall be forwarded to the judge, either by the public dawk, *the officers of which are hereby required to receive and convey such packets free of postage, or, by a servant of the commissioner; or the commissioner may deliver it to the nearest police* darogah, *who shall give a receipt for it, and convey it to the judge with the monthly report which he is required to transmit to him in his capacity of magistrate, by Section* 21, *Regulation XXII.* 1793.

By what conveyance the commissioners are to transmit their monthly and quarterly reports.

XIX. The judges of the zillahs *and cities, are to distinguish in their monthly abstract register of causes decided, the suits which may have been determined by the commissioners; and in their half yearly reports of causes undecided, they are to distinguish the causes depending before the commissioners in their capacity of referees.*

Causes decided by the commissioners, and depending before them in their capacity of referees, to be distinguished in the monthly abstract registers, and half yearly reports.

XX. Any person dissatisfied with the decision of a commissioner, either in his capacity of referee, arbitrator, or munsiff, *shall be at liberty to appeal from it to the judge of the* dewanny adawlut *of the* zillah *or city under which the commissioner may officiate, provided the petition of appeal be presented within thirty days after the date of the decision, a copy of which the appellant is required to present with the petition of appeal. A discretionary power however is vested in the judge of admitting appeals from decisions of the commissioners, although the petitions may be presented after the prescribed period, if the appellant shall shew satisfactory cause to him for not having presented the petition within the limited time.*

An appeal to lie to the Judge for all decisions passed by the commissioners, provided the petition of appeal be presented within thirty days after the date of the decree.

Discretionary power vested in the judge of admitting appeals after the limited time.

XXI. All petitions of appeal from decisions of the commissioners are to be presented to the court of dewanny adawlut *of the* zillah *or city under which the commissioners may officiate, and the commissioners are prohibited from receiving any petitions of appeal from their own decisions.*

Petitions of appeal to be presented to the court of dewanny adawlut.

Commissioners prohibited receiving petitions of appeal.

XXII. All petitions of appeal from decisions of the commissioners are to be presented by the appellant in person, or one of the authorized vakeels *of the court, and if the appeal shall be admitted, and the appellant and respondent shall not plead their cause in person, their*

Petitions of appeal to be presented by the appellant in person, or by an authorised vakeel.

Fees to be allowed to the authorized vakeels.

their respective vakeels *are to be allowed the same fees as in suits tried before the judge, as prescribed in Regulation VII.* 1793. *If a petition of appeal so presented through an authorized* vakeel *shall be rejected, the* vakeel *shall be entitled to a fee of four annas.*

Decisions of the commissioners not to be set aside, but on the merits.

XXIII Decisions of the commissioners are not to be set aside for want of form, or irregularity in their proceedings, but on the merits only.

Cases in which the judges may suspend the execution of the decision of a commissioner, in the event of the admission of an appeal from it.

XXIV. In case of an appeal being received from the decision of a commissioner, the judge is empowered to suspend the execution of the decree, provided the party appealing against it shall give good and sufficient security, on or before the next court day after the day on which the appeal may be presented, to perform the decree of the court.

Judges may order causes depending before the commissioners as referees or munsiffs, *to be brought up for trial before them or their registers.*

XXV. The zillah *and city courts may, for any reason that may appear to them sufficient, bring up for trial before them, or their registers, any causes that may be depending before the commissioners.*

Judges to proceed to select commissioners on the receipt of this regulation, and when approved by the Sudder Dewanny Adawlut, to refer to them the suits depending in their courts, not exceeding fifty sicca rupees, with the exceptions herein specified.

XXVI. Upon the receipt of this regulation, the judges of the several zillahs *and cities are to proceed to select the commissioners, and upon the persons nominated by them being approved by the Sudder Dewanny Adawlut, they shall refer to them for trial, all suits now depending in their respective courts for sums of money or personal property not exceeding fifty sicca rupees in amount or value, which they may not deem it proper to try themselves, or to refer to their registers for trial.*

Rules to be observed by the judge, on the office of commissioner becoming vacant.

XXVII. Upon the death, removal, resignation, or the expiration of the commission of any commissioner, the judge shall, if necessary, immediately nominate another commissioner in his room for the approbation of the Sudder Dewanny Adawlut, and cause all the papers in the causes depending before the late commissioner to be delivered over to his successor, or otherwise disposed of as circumstances may require.

A. D. 1793. REGULATION XLI.

A REGULATION *for forming into a regular Code all Regulations that may be enacted for the internal Government of the British Territories in Bengal.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

IT is essential to the future prosperity of the British territories in Bengal, that all regulations which may be passed by Government affecting in any respect the rights, persons, or property of their subjects, should be formed into a regular code, and printed with translations in the country languages; that the grounds on which each regulation may be enacted should be prefixed to it; and that the courts of justice should be bound to regulate their decisions by the rules and ordinances which those regulations may contain A code of regulations framed upon the above principles will enable individuals to render themselves acquainted with the laws upon which the security of the many inestimable privileges and immunities granted to them by the British Government depends, and the mode of obtaining speedy redress against every infringement of them; the courts of justice will be able to apply the regulations according to their true intent and import; future administrations will have the means of judging how far regulations have been productive of the desired effect, and, when necessary, to modify or alter them as from experience may be found advisable; new regulations will not be made, nor those which may exist be repealed, without due deliberation; and the causes of the future decline or prosperity of these provinces will always be traceable in the code to their source. The Governor General in Council has accordingly enacted as follows.

Rules and orders affecting the rights, persons, or property of the people, to be formed into regulations in the judicial department, and printed and published as hereafter directed.

II. Every rule or order that may be passed by the Governor General in Council regarding the administration of justice; the imposition or levying of taxes, or of duties on commerce; the collection of the public revenue assessed upon the lands; the rights and tenures of the proprietors and cultivators of the soil; the provision of the Company's investment; the manufacture of salt or opium; and generally all regulations affecting in any respect the rights, persons, or property of the natives, or any individuals who may be amenable to the provincial courts of judicature, shall be recorded in the judicial department, and there framed into a regulation, and printed and published as hereafter directed.

Regulations to be numbered First regulation passed in each year to be numbered one, and the subsequent regulations in their order. Number of each regulation, and the year in which it may be passed, to be inserted at the top of the page.

III. The regulations passed annually shall be numbered. The first regulation enacted in each year shall be numbered one, and all subsequent regulations according to the order in which they may be passed. The number of each regulation, and the year in which it may be enacted, is to be inserted at the top of every page as in this regulation.

A title to be prefixed to every regulation.

IV. Every regulation shall have a title, expressing the subject of it as concisely as possible, similar to the title prefixed to this regulation.

Regulations to have a preamble, stating the grounds of their enaction.

V. *First.* There shall be a preamble to every regulation, stating the reasons for the enaction of it.

Reasons for repealing or modifying former regula-

Second. If any regulation shall repeal or modify a former regulation, the reasons for such repeal or modification, are to be detailed in the preamble.

tions to be detailed in the preamble.

Regulations to be divided into sections, and numbered.

Preamble to be the first section. Sections may be divided into clauses.

References to clauses, sections, or regulations how to be made.

VI. Every regulation is to be divided into sections. Each section shall be numbered according to the order in which it may occur. The preamble is to be considered as the first section. The sections, where necessary, may be divided into clauses; in which case, each clause is to be numbered in the same manner as the clauses in Section 5.

VII. In framing a regulation, if there shall be occasion to refer to any clause or section of a regulation, or any regulation at large; as for example, the second clause of the fifth section, or the fifth section of this regulation, or this regulation generally; the reference in each case shall be expressed in the following manner:—Clause second, Section 5, Regulation XLI. 1793. Section 5, Regulation XLI. 1793. Regulation XLI. 1793.

Subject of clauses and sections to be inserted in a marginal note.

VIII. The subject of every section and clause shall be inserted opposite to it in the margin, as concisely as possible.

Size of the paper on which regulations are to be printed.

IX. Every regulation is to be printed on paper of the same size as the paper on which this regulation is printed.

Index to the regulations passed annually to be prepared.

X. At the expiration of each year, a copious index to the regulations passed during the course of it, shall be prepared and bound up with them.

Superintendent of the press to retain one hundred copies of the regulations and the translates.

To bind up such copies and translates with the index.

Remaining copies how to be disposed of.

XI. The superintendent of the Company's press is to retain in his office one hundred copies of each of the regulations that may be passed and printed annually, and the same number of copies of the translates of them in the Persian and the Bengal languages. At the close of the year, after he has been furnished with the index ordered to be prepared in the preceding section, he shall bind up the English printed copies of the regulations, and the Persian and the Bengal translates, each in separate volumes. The remainder of the English copies of the regulations, and the Persian and Bengal translates, are to be distributed as they are passed and printed, in such proportions as the Governor General in Council may direct, amongst the courts of justice, the Boards of Revenue and Trade, the collectors of the land revenue and the customs, and the commercial residents and salt agents, or other public officers, or any individuals to whom it may be thought advisable to deliver copies.

Ten of the English copies of the regulations bound up with the index to be sent to the Court of Directors annually.

Remaining ninety copies how to be disposed of.

XII. Ten of the English copies of the regulations passed annually, bound up with the index as directed in Section 11, shall be transmitted to the Honorable Court of Directors by the two first ships that may be dispatched for England after the volumes are completed. Five copies are to be sent in each of the two ships. The remainder of the one hundred copies shall be distributed in such proportions as the Governor General in Council may direct, to the courts of justice, the Boards of Revenue and Trade, the collectors of the revenue, the commercial residents, and salt agents, or other public officers.

Courts of justice to be guided in their proceedings and decisions by the regulations.

XIII. The civil and criminal courts of justice are to be guided in their proceedings and decisions by the regulations which may be framed and transmitted to them as above directed, and by no other.

Persons and things to be described by the same designations and terms throughout the judicial code.

XIV. In the English drafts of regulations, the same designations and terms are to be applied to the same descriptions of persons and things, in order that rights, property, tenures, privileges, deeds, courts, process, offices, officers, and generally all persons and things may be uniformly described by the same designations and terms throughout the judicial code.

Regulations with marginal notes to be translated into the Persian and Bengal languages.

Number of the regulation, and the year in which it may be passed, to be inserted at the top of the page, and the clauses and sections to be numbered as in the English draft.

Uniformity in designations and terms applied to persons and things to be carefully preserved in the translates.

All designations and terms not before used to be explained in the translates.

XV. Every regulation with the marginal notes shall be translated into the Persian and Bengal languages by the Persian translator to the Government, or such other person as the Governor General in Council may expressly appoint for that purpose. The number of the regulation and the year in which it may be passed, and the numbers of the sections and clauses, shall be inserted in the translates in the same manner as in the English drafts of the regulations.

XVI. The translator is to be particularly careful to preserve in the translates the same uniformity in the designations and terms applied to persons and things as is directed with regard to the English code in Section 14. Whenever he shall have occasion to insert the designation or name of any person or thing that he may have reason to believe may not be intelligible to the natives in general, and which may not have been used and explained in the translates of any former regulation, he shall in the first passage in which such word or term may occur, subjoin an explanation of it, that upon its recurring no doubt may be entertained as to its true meaning and import.

XVII. It shall be the duty of the translator to revise the proof sheets of the printed translates, and to correct all errors of the press.

Translator to correct errors of the press in the printed translates.

XVIII. The translator is to translate the regulations into plain and easy language, and in all possible cases to reject words not in common use. As far as may be consistent with the preservation of the true meaning and spirit of the regulations, he shall adopt the idiom of the native languages, instead of giving a close verbal translation of the English drafts, which must necessarily render the translates obscure, and often unintelligible to the natives.

Translations to be made in plain and easy language, and the idiom of the languages to be adopted.

XIX. One part of a regulation is to be construed by another, so that the whole may stand.

One part of a regulation to be construed by another.

XX. If any regulation shall be passed differing from a former regulation, either wholly or partially, the new regulation is to be considered as a virtual repeal of the old one as far as it may differ from the latter, provided that the new regulation be couched in negative terms, or by its matter necessarily imply a negative.

Rules for construing new regulations differing wholly or partially, from former regulations.

XXI. If a regulation that rescinds another regulation, is itself afterwards rescinded, the original regulation is to be considered as revived, without any formal declaration to that purpose.

Repealed regulation revived by the rescinding of the repealing regulation.

A. D. 1793. REGULATION XLII*.

A REGULATION *for re-enacting, with Modifications, the existing Rules for the Collection of the Government and Calcutta Customs.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

THE *following are the rules prescribed for the collection of the Government and Calcutta customs.*

II. Merchants and other persons, are at liberty to transport goods from one place to another within the limits of the provinces of Bengal, Behar, and Orissa, free of all duties and tolls whatever. From this rule, however, are excepted goods imported into the town of Calcutta, which are to pay the duties hereafter specified. The goods subject to the payment of the Government and Calcutta customs, and the rules under which they are to be levied, are as follow.

No duties or tolls to be collected on goods transported from one place to another within the limits of the provinces, unless brought into Calcutta.

GOVERNMENT CUSTOMS.

III. First. *A Custom House is established at Manjee, near the conflux of the rivers Ganges and Gogra, for collecting the Government customs on goods exported from the Company's provinces, and imported into them, under the rules hereafter prescribed.*

Custom house established at Manjee, to collect the Government import and export customs.

Second. *The duties are to be levied by a collector, who is to be styled "Collector of the Government customs at Manjee." Previous to entering upon the execution of the duties of his office, he shall take and subscribe the following oath before the Governor General in Council, or any person whom he may commission to administer it.*

Duties to be levied by a collector.

"I A. B. solemnly swear, that I will diligently and faithfully execute the office of collector of the Government customs at Manjee; that I will not directly or indirectly be concerned, or knowingly allow any other person to be concerned, in making any collections but such as are authorized by and brought to the credit of Government; that I will not directly or indirectly accept, nor knowingly allow any other person to accept, any fee, present, gratuity, or reward, on account of the execution of the duties of, or any matter relating to, my office; that I will not be concerned directly or indirectly in the purchase of any goods or commodities in the British dominions in Bengal for the purpose of remitting money to Europe, nor in any commercial transactions; and that I will not directly or indirectly derive any advantage or emolument from my station, excepting such as the orders of Government do or may authorize me to receive. So HELP ME GOD."

Oath of the collector.

IV. Goods imported into the Company's provinces from the dominions of the Nabob of Oude, or any countries beyond the Caramnassa, after paying the prescribed duty at Manjee, shall pass duty free to any part of Bengal, Behar, and Orissa, unless imported into Calcutta, in which case they will be charged with the Calcutta customs.

Imports having paid duty at Manjee not to be subject to any further duty in the provinces, unless imported into Calcutta.

V. Goods imported from the Company's provinces, are to pay an export duty of two and a half per cent. on the valuation specified in the book of rates, which is to be open for public inspection at the custom house.

Exports to pay two and a half per cent. on their valuation in the book of rates.

* This regulation is rescinded by clause 2, Sect. 2. Reg. IX. 1810.

Goods imported from Benares to pay a duty of two and a half per cent. on the valuation in the Benares rowannah.

VI. Goods imported by the way of Benares, accompanied with a rowannah *taken out, at any of the custom houses in that* zemindaree *agreeably to the regulations in force therein, are to pay an import custom of two and a half per cent. on the valuation specified in the Benares* rowannahs.

Customs to be paid on goods imported, and not passing through the dominions of the Vizier.

VII. Goods imported into the Company's provinces, from the dominions of his excellency the Nawaub Vizier, or from any other foreign country without passing through the district of Benares, are for the present to pay an import duty of two and a half per cent. on the valuation specified in the book of rates.

When imports or exports of goods are to pay the duties.

Penalty for breach of this rule.

VIII. Merchants importing or exporting goods into or from the Company's provinces, are to pay the customs before their boats arrive opposite to the custom house. Boats loaded with goods stopped in the attempt of passing the custom house of Manjee, without having previously paid the duties, and taken out a rowannah, *shall be subject to double duties.*

Chokey established at Chousah, and between Manjee and Patna, for the purposes herein specified.

IX. A chokey *is established at Chousah, on the confines of the province of Behar, the officers of which are to stop boats loaded with goods, attempting to pass beyond the limits of the Company's provinces, without having previously paid the export duty, and taken out the prescribed* rowannah. *A* chokey *is also established between Manjee and Patna, to stop boats loaded with goods which may have entered the Company's provinces without having previously paid the import duty, and taken out the prescribed* rowannah.

Officers of the chokies *in Section 9, how to proceed with goods which they may stop.*

X. The officers at the chokies *specified in Section 9, are to dispatch without delay the boats which they may stop under the authority vested in them by that section to the collector at Manjee, who will confiscate the goods, after obtaining through the Board of Trade, the sanction of the Governor General in Council for that purpose.*

Penalty for persons applying for rowannahs *for goods different from those which they may intend to transport.*

XI. To deter persons applying for rowannahs *from giving in the names of goods different in kind, or inferior in quality to those which they may intend to transport, the collector is authorized, either upon suspicion or information, to stop any goods passing his station, and to examine any part of them in the public* cutcherree, *and should any such fraud appear to have been committed, he is to detain the goods, and transmit the necessary proofs of the fact to the Board of Trade, to whom the Governor General in Council will give orders for the confiscation of them. Where entries shall be made of a less quantity of goods than what may be imported or exported, double duties shall be levied on the whole quantity, including the deficiency.*

Double duties to be paid on short entries.

Boat not to be detained longer than one day for examination.

XII. No boat is to be detained for examination longer than one day.

Hours of business.

Rowannas applied for, by what time to be delivered.

XIII. The custom house is to be open for the transaction of business every day, Sunday excepted, from nine o'clock in the morning until three in the afternoon; and rowannahs *applied for on any day before twelve o'clock, shall be made out and delivered not later than the following day.*

By whom the rowannahs *are to be sealed, signed and delivered.*

XIV. The rowannahs, *as at present, are to be sealed and signed by the collector, the* darogah, *the* mushriff *or accountant, and the* tavildar *or cashkeeper, the latter of whom will deliver the* rowannah *upon the duties being paid.*

No collections whatever to be made besides the established customs.

XV. No collections whatever, either as fees or on any other account, are to be levied by the collector or any of his officers, on goods imported or exported to or from the Company's provinces, excepting the duties authorized in the preceding sections.

Penalty for officers guilty of a breach of the rule in the preceding section.

XVI. Any native officer proved guilty of a breach of the rule in Section 15, to the satisfaction of the Board of Trade, shall be dismissed from his employment, and shall be subject, in addition to the repayment of the amount exacted, to such fine as that Board may think it proper to impose, provided the amount shall not exceed his salary for six months.

Fine how to be levied.

When the Board of Trade shall impose a fine upon any such officer, they shall send a copy of their resolution, which shall specify the amount of the fine and the sum to be refunded, attested by their secretary, to the collector, who shall present it through the vakeel *of Government to the* zillah *or city court to which the offender may be amenable, and the judge, upon the receipt of the resolution, shall levy the amount of the exaction and the fine from the offender, by the same process as is prescribed for enforcing decrees of the court.*

XVII. The collector of Government customs, is empowered to propose occasionally to the Board of Trade, for the consideration of the Governor General in Council, such further rules as may appear to him calculated to facilitate the collection of the duties, and promote the increase of trade

Collector empowered to propose rules.

XVIII. The book of rates, according to the valuations in which the duties on the imports and exports are to be collected, is to lie open for public inspection at the custom house. The collector is to propose to the Board of Trade, for the consideration of the Governor General in Council, such alterations in the rates as may occasionally appear to him proper.

Books of rates to be open at the custom house for public inspection.

XIX. A register of all rowannahs *granted for goods imported into or exported from the Company's provinces, is to be kept at the custom house, according to such form as the Board of Trade may think it proper to prescribe, and a copy of the register is to be forwarded to them at such periods as they may direct.*

Register to be kept of imports and exports.

XX. The rules in the preceding sections, as well as all other rules that may be hereafter enacted, and the book of rates, are to be translated into the Persian and Bengal languages, and into the Hindoostanee language written in the Nagree character, and are to lie open at the custom house for public inspection during the hours fixed for the transaction of business.

Rules and book of rates to be translated into the country languages.

CALCUTTA CUSTOMS.

XXI. First. *A custom house is established at Calcutta, for the collection of the Calcutta customs on goods imported into the town, either by sea or land, under the rules hereafter prescribed.*

Calcutta customs.

Second. *The duties are to be levied by an officer, who is to be styled "Custom Master of Calcutta." Previous to entering upon the execution of the duties of his office, he shall take and subscribe the following oath before the Governor General in Council, or any person whom he may commission to administer it.*

To be levied by an officer, to be styled "Custom Master of Calcutta," who is to take an oath.

"I A. B. solemnly swear, that I will faithfully discharge the duty of custom master of Calcutta; that I will not directly or indirectly, by myself or others, be concerned in, or allow of any collections being made but such as are authorized by, and brought to the credit of Government; that I will not be concerned directly or indirectly, in the purchase of any goods or commodities in the British dominions in Bengal for the purpose of remitting money to Europe, nor in any commercial transaction; that I will not take or receive, or knowingly allow any other person to take or receive any present, gratuity, fee, or advantage whatsoever on account of any matter relating to the duty of my office, excepting such as now is or may be hereafter authorized by the Governor General in Council. So HELP ME GOD."

Oath.

Third. *The Calcutta custom house is to be open for the transaction of business every day (Sundays excepted) from nine o'clock in the morning until two o'clock in the afternoon.*

Custom house to be open from nine until two o'clock.

XXII. First. *The following are the rules prescribed for the collection of the duties on imports by sea.*

Rules for the collection of the Calcutta customs on imports by sea.

Second. *A tide-waiter from the custom house is to go on board of every vessel that may come to anchor in the port of Calcutta, and enter in his book, her name, the nation to which she may belong, the name of her commander, from what port she may have last sailed, and every other particular concerning her. The following notification is to be inserted in the tide-waiter's book.*

A tide-waiter to go on board vessels anchoring in the port of Calcutta, and to enter all particulars concerning them in his book.

Notification to be inserted in the tide-waiter's book.

"*FORT WILLIAM,*

(Date)

"*To all commanders and supercargoes of vessels, trading to the port of Calcutta.*

"*You are hereby directed, immediately on your arrival at this port, to transmit to the custom house, a true manifest upon oath, of all the goods and merchandises loaded on board of your vessel, specifying at what port they were received, and to whom they belong, either*

either on account of the owners, or on freight, together with their marks and numbers agreeably to the annexed form."

(Signed) " A. B. Custom Master."

Third. *The form of the manifest is to be subjoined to the notice.*

Master or supercargo to deliver in his manifest at the custom house.

XXIII. First. *As soon after the arrival of the vessel as may be practicable, the master or supercargo is to deliver in his manifest at the custom master's office. The custom master is to annex the following form of an affidavit to the manifest: " A. B. commander of the ship C——, maketh oath and saith, that the annexed manifest, to the best of his knowledge and belief, contains a true and just account of all goods and merchandises, imported on the said ship —— into the river Hooghly, on his account; and that the sums written opposite to the several articles, are the true and just prime cost.*

Affidavit to be annexed to the manifest, and sworn to.

Sworn this —— day of —— } before me."

Manifest to be sworn to.

Second. *The master or supercargo shall next proceed to swear to his manifest before one of the judges of the Supreme Court of Judicature, and to return it to the custom master with a certificate from the police office, purporting that he has complied with the police regulations passed by the Governor General in Council, on the 25th June 1788. No merchandise shall be permitted to be landed from any ship, until the above rules shall have been observed. Should any goods not included in the said manifest be afterwards landed, they shall be charged with double duties.*

Certificate required from the police office.

After the required forms have been observed, and security taken for the duties, the goods to be landed.

XXIV. *When the above forms shall have been observed, and sufficient security taken from the owners or freighters of the cargo for the duties which may be chargeable on it, they shall be permitted to land the goods.*

All packages to be landed at the custom house.

XXV. *All goods and packages without exception imported from Europe, shall be landed at the custom house.*

Certain packages to be passed at the discretion of the custom master, and duties on ships' manifests to be settled by him without reference.

XXVI. *Parcels for gentlemen, and necessaries, are to be passed at the discretion of the custom master, and the duties on ships' manifests finally settled by him without any reference.*

Rules to be observed in landing cargoes.

XXVII. First. *In landing the cargo, every separate boat-load shall be accompanied with a note addressed to the custom master, specifying the quantity and quality of the goods. The custom master shall sign an order on each separate note, to weigh or examine the goods specified in it, and to pass them. No goods shall be landed without a note or permit, and great care shall be taken that no more goods are passed than the quantity specified in the permit.*

No goods to be landed without permits.

Rules to be observed upon the cargoes being landed.

Second. *When the cargo shall have been landed, the boat notes or permits shall be compared with the manifest, after which the custom master is to proceed to make out bills for the duties, agreeably to the following rules.*

Bills for the duties to be made out.

Duty of four per cent. to be levied on the Calcutta price of all imports by sea. Exception.

Third. *The rate of duty to be collected at the Company's custom house is to be four per cent. on the Calcutta price of all foreign goods imported by sea, without any deduction, with the exceptions specified in the following clauses.*

Duties to be levied on merchandise imported under foreign colours.

Fourth. *The owners or commanders of all ships under foreign colours importing from Europe or elsewhere, shall be required to deliver a manifest of their import cargoes on oath, and an advance of sixty per cent. is to be added to the prime cost of the articles imported on such ships, and the duties levied upon the aggregate.*

Duties to be levied on the investments of the officers of the Honourable Company's Europe ships without adding any pertentage.

Fifth. *Duties are to be levied on the investments of the captains and officers of the Honourable Company's ships on the amount of their invoices, without adding the usual per centage.*

Duties on China articles.

Sixth. *Duties are to be levied on China goods at an advance of thirty per cent. on the invoice price.*

What duties to be levied on goods the produce of the Coromandel coast.

Seventh. *An advance of fifteen per cent. is to be added to the invoice of goods the produce or manufacture of the Coromandel coast, instead of levying duty on the Calcutta price, and the duties are to be levied on the aggregate.*

Eighth. *Copper imported from Madras, with a certificate specifying that it has been taken from the government of that presidency in payment of advances due on contracts with the Company, is to pass duty free.*

Copper herein specified imported from Madras to pass duty free.

Ninth. *As the prime cost of imports by American ships, the produce of America, cannot always be sworn to, the duties in such cases are to be levied on the account sales property attested.*

Duties how to be levied on imports the produce of America.

Tenth. *The duties on cargoes imported in China and Macao ships are to be levied agreeably to the account sales delivered in on oath. In cases in which the owners refuse to authenticate their account sales by affidavit, an advance of forty per cent. on the prime cost is to be added, and the duties levied on the aggregate.*

Duties on cargoes imported by China and Macao ships to be levied agreeably to the account sales.

Eleventh. *The custom master is not in future to refund half of the duties on certificates from the other presidencies.*

Moiety of the duties on certificates from the other presidencies not to be refunded.

Twelfth. *A credit of from three to six months, is to be allowed for the payment of duties on goods imported by sea, to such persons as shall deposit sufficient security for the payment of the amount when it may become due.*

Credit to be allowed for the payment of duties on goods imported by sea, on proper security being given.

XXVIII. First. *The duties on liquors are to be levied at the following rates :*

Rates at which the duties on liquors are to be levied.

LIQUORS IN CASKS.

Wine of whatever kind, rum, brandy and gin, per pipe,	*Arcot Rs.*	12	0	0
Arrack, per leaguer, ...	...	6	0	0
Batavia ditto, ditto, ...	...	55	1	3
Beer, porter, and cyder, per hogshead, ...	...	2	8	0

LIQUORS IN BOTTLES.

Cherry and raspberry brandy, and cordials, per dozen.	...	1	0	0
Red and white wines, brandy, rum, gin, beer, ale, porter, cyder, perry, and sweet oil, per dozen, ...	...	0	8	0

Second. *Arrack imported into Calcutta from Bencoolen, is to be exempted from duties.*

Bencoolen Arrack not to pay duty.

Third. *The usual deduction of ten per cent. is to be made in consideration of leakage, &c. All ullages, or parts of casks are to be filled up, and their quantity ascertained, before they are removed out of the custom house. No deductions, or ullages, are to be allowed after the liquors have passed the custom house.*

No deductions nor any ullages allowed after the liquors have passed the custom house.

Fourth. *Liquors, in common with other merchandise, not duly entered at the custom house, are declared liable to confiscation.*

Liquors not duly entered liable to confiscation.

XXIX. Particular care shall be taken to prevent vessels mooring or lying between the north-west and south-west bastions of the Old Fort, nearer than the middle of the stream, and no boats or small craft, excepting such as may be employed in landing goods, are to be allowed to lie within the said bastions.

No vessel, or small craft permitted to lie between the N. W. or S. W. bastions of the Old Fort. Exception.

XXX. The master attendant is not to grant a pilot to any vessel, until a certificate shall be produced to him from the custom master of the import and export duty on her trade having been duly paid.

The master attendant not to grant a pilot to any vessel, until a certificate of the payment of the duties is produced to him.

XXXI. The pilot of every vessel which may have received her clearance, shall be ordered by the master attendant to report to the custom master, if any and what goods are received on board in the river after the receipt of such clearance, and to endorse the same on the back of the clearance.

Pilot to report what goods are received on board after the port clearance has been received.

XXXII. All vessels and boats whatever coming down the river, shall be examined, and all persons on board of them who may appear to be deserters from the Honorable Company's army are to be apprehended.

Deserters from the Honorable Company's army to be taken out of vessels.

XXXIII. The custom master shall not allow the cargo to be landed from any ships or vessels, the commanders of which are required to furnish the list of Europeans prescribed in the advertisement, published by the Governor General in Council on the 25th June 1788, until he receives a copy of it from the master attendant; and he shall also refuse permission to the landing of any cargoes belonging to the captain or officer of such ships

Custom master not to allow the cargo to be landed from any vessel until he has received the prescribed list of Europeans.

or vessels, or of any baggage belonging to passengers that may have come in them, excepting the cargoes or baggage of persons named in the list.

No Muscat salt to be introduced without a certificate.

XXXIV. First. *No salt under the denomination of Muscat salt, shall be allowed to be imported into Bengal, Behar, and that part of Orissa which is under the dominion of the Company, unless it shall be accompanied by a certificate, duly authenticated by the officers of the customs at Muscat or Bombay, of its being the produce of, or having been exported from, the port of Muscat.*

Restriction as to the quantities of Muscat salt to be introduced.

Second. *No greater quantity of the above salt, than two hundred maunds of eighty-two sicca weight, shall be imported in any one vessel importing from Bombay; and no quantity exceeding five hundred maunds in any one vessel importing from Muscat.*

Penalties incurred by disobedience to the above clauses.

Reward to the informer.

Third. *Any quantity of salt under the denomination of Muscat salt, attempted to be imported in opposition to the restrictions contained in the preceding clauses, shall be confiscated, and disposed of at public sale; and any person giving information of Muscat salt so illicitly imported, shall receive a reward of fifteen per cent. on the proceeds of the sale of the same.*

Rock salt imported from Bombay to be landed at the Company's salt golahs.

XXXV. All rock salt from Bombay or Muscat, shall be landed at the Company's salt golahs, *instead of the custom house; and the deputy secretary to the Board of Trade shall furnish the custom master with an account of the quantity, and detain the salt until a certificate is produced from the custom house of the import duty having been paid.*

To make a report to Government whenever arms or military stores are landed.

XXXVI. The custom master shall report to Government, through the Board of Trade, whenever arms or military stores, being private property, are to be landed from any vessel importing at Calcutta, specifying the nature, numbers and quantity of such arms and stores, together with the name of the ship, and of the commander or consigner.

Masters of vessels to furnish the custom master with a manifest of their export cargoes.

Custom master to keep a register of such exports.

XXXVII. Commanders of vessels exporting from the river Hooghly, previous to obtaining a port clearance, shall be required to furnish the custom master with a full and just manifest of their export cargoes. The custom master is to keep a regular register of such exports.

Report of ships clearing out loaded with sugar, to be furnished by custom master.

Report what to contain.

XXXVIII. The custom master is to transmit every three months, a report of all ships which may clear out loaded with sugar from this port, specifying for what place they clear out, and if possible, what quantity of sugar they have on board.

Port clearance when to be granted.

XXXIX. When commanders of vessels shall have conformed to the rules prescribed to them in the preceding sections, and in the cases required, presented a certificate to the custom master of the police regulation of the 25th June 1788. having been complied with, the custom master shall grant a port clearance to them in the usual form.

Custom master to grant receipts for goods lodged in the custom house, and to be responsible for the delivery of them.

Custom master not responsible for goods for which receipts may not be taken.

XL. The custom master is to grant receipts, on application being made for them, for all goods, landed from ships, and lodged in the custom house. The custom master shall be held responsible for delivering from the custom house all goods for which receipts shall have been so granted. Should the captains, officers, or passengers, omit to take such receipts upon their goods being landed and lodged as above mentioned, they are not to be entitled to an indemnification for any part of them which may be lost in passing through the custom house.

Form of the register of duties collected on foreign imports.

XLI. All duties collected on foreign imports are to be entered in a book to be kept in the following form:—

FORT WILLIAM, Register of Customs collected on foreign Imports in August 1793.

1793.	*Numbers and nature of the packages*	*Vessels.*	*From whence imported.*	*Vessels under what colours.*	*Merchants' names.*	*Quality of goods.*	*Quantity of goods.*	*Amount of the account sales.*	*Rate of duties.*	*Amount of the customs.*

XLII. First. *The following regulations have been prescribed for the collection of the Calcutta customs on the inland imports.*

Rules for the collection of the Calcutta customs on inland imports.

Second *On the arrival of boats with merchandise at the custom house, the owners are immediately to proceed to unload their boats, and deposit the goods in the godowns. As soon after as may be convenient, they are to deliver a* chellaun, *specifying the quantity and quality of the goods, to the custom master, who shall affix his name to it, with the words "examine" or "weigh" according to the sort of goods.*

Owners to unload their boats immediately on their arrival at the custom house, and to deposit their goods in the godowns.

To deliver a chellaun *to the custom master.*

Custom master to affix his name to the chellaun, *with directions to examine or weigh.*

Third. *At twelve o'clock, the examiner, and the* dulolls, *or Company's prizers, shall proceed to the godown, and take out musters from the different bales in the presence of the owners. The musters shall then be carried into the custom master's office, and compared with the* chellauns *in his presence; and the* aurung *prices, on which the duties are to be levied, shall be affixed to them.*

Examiner and prizer to examine the bales.

Duties to be levied on the aurung *prices.*

Fourth. *When gruff goods are passed at the custom house, a certain number of bags shall be taken from each boat and weighed, and the remainder counted off and passed. The weight of the whole shall then be calculated at the average of the bags weighed, and the duty levied accordingly.*

Gruff goods how to be examined.

Fifth. *All gruff goods of whatever description, which may be landed at the several* ghauts *in and about the town, are to be weighed and passed under the inspection of the Company's* koyals, *who are to observe the same forms as are prescribed with regard to goods passed at the custom house, with this difference only, that after the quantity is ascertained, they are not to be passed until a* perwannah *in the following form, signed by the custom master, shall be sent to the* ghaut *at which they are detained. The* perwannah *is to be issued on the next day, and in cases of emergency, on the same day.*

Gruff goods not landed at the custom house, to be passed by the Company's koyals, *but are not to be passed finally, till a* perwannah *is issued by the custom master.*

Form of the Perwannah.

19th September, 1793.

Ramnarain Doss.

Form of perwannah.

Sugar 75 bags, weighing 150 *maunds, value ct. rs.* 1214.
Duty at 4 per cent. 48. 9.

No. 451.

Entered. *(Signed)* *A. B. Custom Master.*

Goods when to be passed.

Sixth. *All goods shall be passed at the custom house, the day after they are entered and examined if the owner chooses, and in cases of emergency, on the day on which they are entered.*

Bills to be given for the duties.

Seventh. *Official bills, signed by the custom master, shall be given for the duty on all imports of whatever description.*

Duties to be entered in a book.

Eighth. *When the duties shall have been received, they are to be entered in a book, to be denominated "the register of duties collected on inland imports," and kept in the following form :—*

FORT WILLIAM, Register of Customs collected on Inland Imports in August 1793.

1793.	*Numbers and nature of packages.*		*Boats or oxen.*	*From whence imported.*	*Merchants names.*	*Quality of goods.*	*Quantity of goods.*	*Amount of invoices.*	*Rate of duties.*	*Amount of customs.*

Duty of four per cent. to be levied on gruff inland imports, and of two per cent. on piece goods, &c.

Ninth. *Four per cent. is to be collected on the* aurung *price of all gruff inland imports, without any deduction, and two per. cent on all inland imports, consisting of piece goods, cotton, thread, and yarn, without any deduction.*

Ready money to be required in payment of the duties.

Tenth. *Ready money only is to be received from merchants in payment of the duties.*

Peons to be stationed to watch boats laden with goods for ships.

Such goods to be deposited in the custom house.

XLIII. The custom master shall station peons *three miles above the town. One of the* peons *is always to proceed with such boats as are laden with goods for the cargoes of freighted ships, and not to quit them, or permit the merchandise to be landed at any place excepting at the custom house, where they shall be deposited, and remain until the freight owners shall order them to be embarked on board a particular ship, or until the proprietors shall have paid the usual duties.*

XLIV. The custom master and his officers are required to bring to the custom house all boats attempting to pass the town without landing, and should any goods be found on board, they shall be liable to confiscation at the discretion of the Governor General in Council.

Goods attempted to be passed without landing at the custom house liable to confiscation.

XLV. Should the custom master have received information, or suspect, that merchants have caused goods of an inferior quality to those they intend to transport, to be specified in their rowannahs, *he is authorized to order one bale to be opened in his presence in the custom house godowns; and should he discover any such fraud, he is to report it to the Board of Trade, who, on the fact being proved, are to order the whole to be confiscated without reserve, after receiving the sanction of the Governor General in Council for that purpose.*

Goods mentioned in the rowannah *as goods of an inferior quality are liable to confiscation.*

XLVI. All goods attempted to be passed without rowannahs, *although* rowannahs *shall have been taken out for them, shall be seized and confiscated, unless the proprietor or conductor of the goods shall have given notice to the custom master, that such goods were on the way, for the purpose of assuring to Government the duties which might be due upon them.*

Goods attempted to be passed without rowannahs *liable to confiscation.*

Exceptions.

XLVII. Rowannahs *issued at Benares, shall be considered and received as current in the Company's provinces.*

Rowannahs *issued at Benares to be current throughout the three provinces.*

XLVIII. Whenever goods shall be stopped on the ground of their being liable to confiscation, the custom master shall submit the case to the Board of Trade for their decision.

All cases of goods stopped for confiscation to be submitted to the Board of Trade.

XLIX. Piece goods of every kind, as they are entered at the custom house, shall be marked with the Company's chops, *or stamps. Goods that have passed the custom house without being stamped, shall not be entitled to the Company's* chop, *without paying fresh duties.*

Piece goods to be marked with the Company's chops.

L. First. *All liquors, provisions, and other necessaries of life, grain excepted, which may be imported, shall pay the duties equally with other merchandise.*

Duties to be levied on the necessaries of life.

Exception.

Second. *An additional duty of four annas per gallon shall be levied on common* paria, *or inferior country arrack.*

Additional duty on paria *arrack.*

LI. First. *The* kyallee dustoor *shall be levied on mustard and* teel *seed.*

Kyallee dustoor *to be levied on mustard and* teel *seed.*

Second. Ganja *imported into Calcutta shall pay twenty rupees per cent. on the selling price in Calcutta.*

Duty on ganja.

LII. A remission, in the nature of a drawback, shall be allowed on all Bengal spirits exported by sea.

Drawback allowed on Bengal spirits exported by sea.

LIII. First. *All beetlenut and tobacco imported at Calcutta, shall be liable to the Company's duty of four per cent. without any distinction as to the place from whence it may be brought. But in case it shall pass Calcutta without being landed, it shall then be exempted from the Company's duty; or, if after being landed, the merchant shall be desirous of re-exporting it,* rowannahs *shall be granted free of duty.*

Duties on beetlenut and tobacco.

Second. *All beetlenut and tobacco imported, is to be weighed and passed at the old fort gate.*

Beetlenut and tobacco to be weighed and passed at the old fort gate.

LIV. A complete drawback shall be allowed to individuals on all raw silk exported on the chartered ships of the Company, under the license of the Governor General in Council, on the production of the bill of lading at the custom house.

Drawback allowed on raw silk.

LV. First. *Importers of indigo are to be required to register their invoices of that commodity at the custom house, and the custom master is to report to the Board of Trade every three months, the quantity of indigo exported or imported in foreign ships.*

Custom master to report to the Board of Trade the quantity of indigo exported and imported in foreign ships.

Second. *Indigo imported into Bengal from Manilla, is to be charged with the established duties, but a drawback of those duties shall be allowed upon the indigo being re-exported to England in the Company's tonnage, on the same terms as indigo the produce of this country. No drawback is to be allowed on Manilla indigo, which may be re-exported on foreign ships, or in any other manner than that above specified.*

Indigo imported from Manilla to pay the established duties, but a drawback allowed on its being exported on the Company's tonnage.

Goods belonging to foreigners brought to Calcutta to be exported on British ships, to be shipped off from the custom house.

LVI. All goods the property of foreign merchants which may be brought down to Calcutta to be freighted on board British ships, shall be landed at the custom house, and there weighed and shipped off.

Goods imported for exportation not to pay any duties.

LVII. Goods imported by sea, for exportation from the port of Calcutta, shall not be subject to any duty unless the property is changed.

Exception.

Import duties on unsold goods re-exported to be returned on their identity being established.

Deduction for fees of office.

LVIII. First. *All import duties on unsold goods that may be re-exported, shall be returned on the identity of the goods being established by the affidavit of the importer, with a deduction for the established fees of office.*

Returned goods not registered on exportation to pay the established import duties.

Second. *Goods which may be applied for to be brought into the town as returned goods, without having been registered on exportation, shall be subject to the payment of the established duties in the same manner as if they had never been imported.*

No persons or associations to be exempted from the payment of duties.

LIX. No persons, or associations, shall in future be exempted from the payment of duties, without the special orders of the Governor General in Council.

Goods received into the custom house between 1st January and 1st April, the duties on which shall not have been paid, to be sold on the 1st July.

LX. First. *Goods received into the custom house between the 1st of January and 1st of April, the duties on which shall not have been paid, shall be sold on the 1st July following.*

Goods received between 1st April and 1st July, to be sold on the 1st October.

Second. *Goods received into the custom house between the 1st April and 1st July, the duties of which shall not have been paid, shall be sold on the 1st of October following.*

Goods received between the 1st July and 1st October, to be sold the 1st January.

Third. *Goods received into the custom house between the 1st July and 1st October, the duties on which shall not have been paid, shall be sold on the 1st January following.*

Goods received between 1st October and 1st January, to be sold on the 1st April.

Fourth. *Goods received into the custom house between the 1st October and 1st January, the duties on which shall not have been paid, shall be sold on the 1st April following.*

Sales how to be conducted.

Fifth. *Publication of the sales, and of the terms of them, is to be affixed at the usual places for fifteen days before the day of sale. The sales are to be made for ready money only, and the purchase money is to be paid in fifteen days after the day of sale.*

Balance of sales after the custom and warehouse charges to be paid to the owners.

Sixth. *After deducting the custom house and warehouse charges, the balance of sales is to be paid to the owners of the goods on their making application for the same.*

How the duties are levied from persons refusing payment of them.

LXI. All duties on inland imports shall be levied on the goods when they are landed or shipped, and should any person refuse payment, such part of the goods as shall be deemed an equivalent for the duties, shall be secured and deposited in the custom house, until the owner shall pay the demand, or until the expiration of two months, when the goods shall be disposed of at public sale.

All chests and packages to be landed and remain at the custom house until passed by the custom master, who is to consider every thing as merchandise.

LXII. First. *All trunks, chests, and other packages, shall be landed at the custom house, and remain there until properly discharged by the custom master, who is to consider every thing as merchandise.*

Goods where to be landed.

Second. *No goods are to be landed at any place excepting the old fort, or the custom house ghauts, unless by particular permission.*

RULES FOR THE MANAGEMENT OF THE WAREHOUSE.

Account to be taken of all goods received without permits.

LXIII. First. *An account shall be delivered by the tide-waiters of the receipt of all goods into the custom house, for which no permit shall have been given.*

No goods to remain at the custom house longer than seven days.

Exception.

Second. *No goods shall remain in the custom house longer than seven days after being entered at the custom house, unless by express permission.*

Custom master to report on all uncleared and seized goods.

Third. *The custom master is to make a report of all uncleared goods as soon as the usual period for clearing them out shall have expired, and also of all seized goods, without delay, that they may be disposed of at public sale before they are damaged.*

No packages, &c. to be received into the custom house unless marked.

Fourth. *No packages, casks, bales, chests, or parcels of goods of any kind, are to be received into the custom house godowns, without they are marked with an English letter or number, or a person's name in English. No receipt is to be given for any packages, &c. not so marked.*

Fifth. *The custom house officers are not to be answerable for any goods lodged in the godowns, unless the owner shall take a receipt for them, specifying the marks, numbers, &c. This receipt is to be returned on clearing out the goods, which shall be in seven days from their entry. If they remain longer, godown rent will be charged.*

Custom house officers not to be answerable for any goods, the owners of which do not take a receipt for them.

Receipt to be returned on clearing out the goods.

Sixth. *An account is to be kept by the tide-waiters, of all packages received into and delivered out of the godowns.*

Accounts to be kept of packages received into, and delivered out of the godowns.

LXIV. *No* kyauls *to be employed, excepting such as are furnished with a certificate from the custom master.*

Kyauls *to be licensed by the custom master.*

LXV. *In cases in which Government may deem it proper to grant exemptions from duties to individuals, the custom master will be furnished with special orders regarding such exemptions.*

Rule respecting special exemptions of duties.

A. D. 1793. REGULATION XLIII*.

A REGULATION *for re-enacting, with Modifications, the Rules passed on the* 25*th February* 1793, *for granting Lands to invalided native Officers and private Soldiers.* —PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

JUSTICE and policy requiring that the *jaghire* establishment for invalids, should be put upon such a footing as to render it productive of the benefits originally expected to result from it, viz. a comfortable retreat for worn-out native soldiers, with an ample subsistence for themselves during their lives, and decent provision for their families after their decease; and it being essential to the attainment of this object that the lands should be procured without any infringement of the rights of the *zemindars*, the Governor General in Council, on the 25th February 1793, framed a code of rules for new modelling the establishment, in which provisions were made for obtaining the lands from the proprietors on lease, or by purchase, and for delivering them to the invalids in such a state as to enable them to render their respective *jaghires* immediately productive. To add to the security and consequently the value of the tenures, the terms of them, and the privileges which they conferred on the grantees, were incorporated with the laws and regulations of the country. Provisions also were made for withdrawing the interference of the regulating officer from the *thanas* upon the death of the original grantees, and leaving their descendants to blend with the mass of the community, but secured by the regulations in the enjoyment of the rights and property which might devolve to them from their ancestors. Such parts of those rules, and of the rules passed on the 18th February 1789, and the 24th December 1790, therein referred to, as come within the description of the rules and orders specified in Section 2, Regulation XLI. 1793, are hereby enacted into a regulation.

Invalid villages allowed to be established throughout the soobah *of Behar.*

II. The establishment of villages for invalids, now confined to the zillahs *of Boglepore and Behar proper, shall be extended to the* zillahs *of Shahabad, Tirhoot, and Sarun.*

To whom the immediate superintendence of the invalid establishments is to be committed.

III. The immediate superintendence of the invalid establishments in the five zillahs, *shall be committed to an officer, who shall be denominated the regulating officer, with assistants to act under his instructions. In the event of the absence or indisposition of the regulating officer, the powers vested in him are to be exercised by his assistants.*

Annual estimate to be made of the number of invalids for whom lands will be required,

and also of the proportions of that number to be provided for in each zillah.

Estimate to be sent to the collectors as soon as formed.

Collectors immediately upon the receipt of it, to pre-

IV. As soon as may be practicable after the native officers, sepoys, *and* lascars, *shall be assembled at Mongheer subsequent to the annual period of invaliding, viz. the* 31*st of March, an estimate shall be made of the number of officers and privates expected to be transferred to the* jaghire *establishment on the* 1*st April in the ensuing year, and also of the proportion of that number to be provided for in each* zillah. *The estimate is to be transmitted to the Governor General in Council, who will order it to be forwarded t the proper collectors. The collectors, immediately upon the receipt of the estimate, are*

* The whole of this regulation, excepting the preamble and Sect. 33, is rescinded by Sect. 2. Regulation I. 1804.

ased to procure the required quantity of land.

to proceed to procure the required quantity of waste land in the mode and upon the conditions hereafter specified.

Terms on which the collectors are to procure the lands on lease from the proprietors.

V. First. *When a collector shall have met with a spot of waste land calculated for the purpose of establishing a* thana *or village for the invalids, he is to make a proposal in writing to the proprietor of the land to take a lease of it on the part of Government, on the terms specified in the following articles.*

Land to continue the property of the zemindar, *and never to be separated from his estate.*

Second. *Article* 1. *The land to continue the property of the* zemindar *or other proprietor, and never to be separated from his estate.*

Pottah *to include the* julker, bunker, *and* phulker.

Third. 2*d*. *The* pottah *or deed of lease, to include the* julker, bunker, *and* phulker, *or all trees and the produce of them, fisheries, and pasture land.*

Invalids to hold the land free of rent for life. Land to devolve to their heirs.

Fourth. 3*d*. *The invalids to hold the land free of rent, or any demand whatever during their lives, and after their demise, the land to devolve to their heirs.*

Malikanah *to be paid by the heirs of invalids for the first five years.*

Fifth 4*th*. *The heirs of invalids, for the first five years after they may come into the possession of land, to pay to the* zemindar *a sum equal to one-tenth of the produce of the land as* malikanah.

Lands to be assessed at two thirds of the produce after the first five years above mentioned.

This assessment not liable to variation.

Sixth 5*th*. *After the expiration of the period of five years, the payment of one-tenth as* malikanah *prescribed in the fourth article to cease, and the collector to assess the lands with a neat rent, equal to two-thirds of the amount paid for other lands in the district of the same description and quality. This rent not to be liable to any variation, and to be paid to the* zemindar, *or other proprietor.*

Terms upon which heirs of invalids who die within seven years are to hold their lands.

Seventh. 6*th*. *If the original grantee should die within seven years from the date of his being put in possession of his lands, his heir to continue to hold them rent-free until the expiration of such period of seven years, from which time the lands are to become subject to the two preceding articles, in the same manner as if the heir had then first succeeded to them, and his ancestor had held them for a term exceeding five years.*

How the lands of invalids dying without heirs are to be disposed of.

Eighth. 7*th*. *If an invalid shall die without heirs, it be given to the option of a fresh man coming upon the establishment, to supply his place in the* thana, *upon his agreeing to take the lands upon the terms to which he would have succeeded to them had he been the heir of the deceased. If no fresh man will agree to take the lands upon these terms, the lands to revert to the* zemindar *or other proprietor, who is to be entitled to dispose of them in such manner as he may think proper.*

In what cases and to whom the heirs of invalids, are to be at liberty to dispose of their lands.

Ninth. 8*th*. *If an invalid shall die, and leave heirs who are not willing to receive the lands upon the foregoing terms, or are incapable of cultivating them, the heirs to be allowed to dispose of their rights to any of the invalids belonging to the* thana, *the purchaser becoming subject to all the conditions in the articles regarding such heirs.*

Invalids liable to forfeit their jaghires *for neglecting to cultivate them for two years.*

Tenth. 9*th*. *If an invalid, from idleness or perverseness, shall wholly neglect the tillage of his* jaghire *for two years after he may be put in possession, the* jaghire *to be forfeited and given to a fresh man.*

Heirs of invalids also liable to forfeit their lands, if they omit to cultivate them for one year. To whom the lands may be transferred.

Cases in which they are to revert to the zemindar.

Eleventh. 10*th*. *If an heir to a* jaghire *shall leave the land uncultivated for one year after he may claim it, and be ordered to be put into possession, the land to be deemed forfeited, and to be transferred to any other invalid, or heir or successor of an invalid, who will take it upon the same terms as he would have been entitled to hold it, had he been the heir of the deceased. In the event of no invalid agreeing to take the* jaghire *upon the above terms, the* jaghire *to revert to the* zemindar *or other proprietor, as in the cases provided for in the seventh article.*

Rules regarding arabid lands not brought into cultivation by the time they become liable to assessment.

Twelfth. 11*th*. *Upon the arrival of the period for assessing lands which may have devolved to the heirs or successors of invalids, such parts of them as might have been cultivated, and are not brought into cultivation, to be resumed, and the* zemindar *or other proprietor to be at liberty to grant* pottahs *for them to whomsoever he shall think proper, unless the person who may have omitted to cultivate them shall enter into an engagement to bring them into cultivation in the course of one year, calculating from the commencement of the year in which they became liable to the final assessment, and in all future years, to pay for them as cultivated lands.*

Thirteenth.

Thirteenth. 12*th*. *The* malikanah *and rent to which the lands are declared liable in the fourth and fifth articles, to be collected by the collector, and accounted for to the* zemindar *or other proprietor by credit being given him for the amount in part of his stipulated annual payments to Government. No increase of revenue to be levied from the* zemindar *or other proprietor during the term of the engagement which may subsist between him and Government, on account of the rent or* malikanah *which may become payable to him from the lands of the invalids during the term of such engagements.*

Malikanah and rent of the zemindar *how to be collected.*

Zemindar not to be liable to any increase of revenue on account of rent or malikanah *that may become due to him during an existing lease.*

Fourteenth. 13*th*. *Whenever an invalid, or his heir or successor, may be put in possession of a* jaghire *previous to its being charged with the permanent assessment, the regulating officer to obtain from the proprietor, through the collector, a separate* pottah *for such person, which is to express the terms on which he is to hold the land, as specified in the preceding articles. When a* jaghire *becomes liable to the permanent assessment, the regulating officer to obtain from the* zemindar, *or other proprietor, through the collector, a* pottah *in the name of the possessor, specifying the amount of the rent or assessment, the quantity of land, the boundaries of it, and the terms of the tenure as above defined.*

Pottah to be obtained from the proprietor for invalids, &c. upon their being put into possession of their land.

Pottah to be procured from the proprietor, when the lands become liable to assessment.

Fifteenth. 14*th*. *The* zemindars *or other proprietors, to be allowed to station a* mutsuddie *in the* thanas, *to take copies of the accounts of the rent and* malikanah *that become due to them, and to inform them of every infringement of the terms under which the lands in the* thanas *are held, as specified in the agreement between them and Government.*

Proprietors at liberty to station an agent in each thana, *to keep accounts of his rent and* malikanah, *and to take care of his interests.*

Sixteenth. 15*th*. *Whenever all the lands in a* thana *shall have become liable to the permanent rent or assessment specified in the fifth article, Government to withdraw the regulating officer, and the* thana *to be considered upon the same footing as other villages in the* zemindaree *or estate, the heirs and successors of the original grantees continuing to hold their lands upon the terms specified in their* pottahs.

Thana to be considered upon the same footing as other villages in the zemindaree, *when all the lands become liable to the fixed assessment, and the interference of Government be withdrawn.*

Heirs and successors of the original grantees to hold according to their pottahs.

Seventeenth. 16*th*. *As long as the* thana *remains under the charge of the regulating officer, Government to be responsible to the* zemindar *or other proprietor for the payment of his* malikanah *and rent. When the officers and interference of Government shall be withdrawn upon the arrival of the period specified in the preceding article, the* zemindar *or other proprietor, to be at liberty to recover his rent from the heirs and successors of the invalids, by the process prescribed in Regulation XVII.* 1793, *in the same manner as from other persons holding lands upon* pottah.

Government to be responsible to the zemindar *for the rent or* malikanah *whilst a* thana *remains under charge of the regulating officer.*

How the zemindar *is to recover his rent, when the interference of Government shall be withdrawn.*

Eighteenth. 17*th*. *After the officers of Government shall have been withdrawn from a* thana *in the case specified in the fifteenth article, if an invalid, or his heirs or successors, shall die without heirs, and intestate, the* jaghire, *or such parts of it as may have been held by the deceased, to devolve to the* zemindar, *who shall be at liberty to grant a* pottah *for it, or to dispose of it to such person, and upon such terms, as he may think proper.*

Lands of invalids or their heirs or successors dying without heirs and intestate, to devolve to the zemindar.

Nineteenth. 18*th*. *Any other stipulations which may be made between Government and the* zemindar, *or other proprietor of land, shall be binding on the parties. All differences between Government and the* zemindar, *or other proprietor, and between the latter and the invalids, or their heirs or successors, respecting the nature of the invalid tenures, to be decided in the* dewanny adawlut *of the* zillah.

Twentieth. 19*th*. *An agreement to be exchanged between Government and the* zemindar, *or other proprietor of land, containing the stipulations specified in the several clauses in this section, and such other stipulations as the parties may introduce in virtue of article eighteenth, and to be the instrument to be referred to upon any dispute arising between Government and the* zemindar, *and between the latter and the invalids, or their heirs or successors, on all points to which it may relate.*

VI. If the estate, or the part of the estate of any zemindar, *or other proprietor, in which any lands leased to Government under this regulation may be situated, shall be disposed of at public sale, or be transferred or devolve in any manner to any other person, neither the lease of Government, nor the terms of the tenures of the invalids, or their heirs or successors, are to be in any respect affected, but the new proprietor is to be bound by the terms of the deeds in the same manner as the proprietor who granted them would have*

Any person succeeding to an estate, or a part of an estate in which any lands may have been leased to Government under this regulation, to abide by the terms of the lease.

have been, had he retained the property, notwithstanding any thing that may be said to the contrary in Regulation XLIV. 1793, *or any other regulation passed on the* 1st *May* 1793.

Collector to report whenever there may be any estates to be disposed of at public or by private sale calculated for thanas, *that they may be purchased if thought advisable.*

VII. If a collector in any of the zillahs *in which* thanas *are allowed to be established shall hear of any estate procurable by private purchase, which may contain a sufficient quantity of waste land, and be properly situated for the establishment of a* thana; *or if any such estate shall be ordered to be put up to public sale, he is to inform the Governor General in Council, in order that it may be purchased on the part of Government for the establishment of a* thana, *if circumstances should render it advisable.*

Invalids established upon Government's lands to hold upon the same terms as of individuals.

Exceptions.

VIII. Whenever invalids shall be established upon lands the property of Government, they are to hold them of Government upon the same terms as invalids settled upon lands belonging to zemindars, *or other proprietors of land paying revenue to Government, or upon such other terms as the Governor General in Council may judge it proper to prescribe, previous to establishing the invalids upon the lands.*

Widows being heiresses to their husbands may remarry without forfeiting their jaghires, *which are to devolve to their heirs at law.*

IX. Widows, being heiresses to the jaghires *of their husbands, are to be allowed to marry whom they please without forfeiture of their* jaghires, *which, after their death, are to devolve to their heirs at law.*

Regulating officer with his assistants, to superintend the conduct of the invalids, and to settle all petty differences within the thana.

X. It is to be the duty of the regulating officer, with the aid of his assistants, to superintend the conduct of the invalids in the several villages, and to settle all internal petty frays and differences that may arise between the invalids and other inhabitants of the thana, *in such manner as may appear equitable.*

In what cases invalids are to be tried by a court martial.

XI. Disputes or misconduct of magnitude to the prejudice of good order, in which an invalid may be the person complained against, are to be investigated by courts martial, to be ordered and approved by the regulating officer.

Parties in disputes respecting agreements concluded or property lying within the thana, *to have the option of referring them to arbitration.*

XII. First. *In cases where a dispute may arise between the invalids or other inhabitants of the* thanas, *regarding debts or other contracts concluded within the* thanas, *or respecting any real or personal property, being or lying within the limits of the* thanas, *the parties shall have the option of appointing an arbitrator or arbitrators for the adjustment of their claims. The following rules are prescribed for the guidance of the regulating officer, respecting the reference of suits to arbitration.*

Officer to encourage, but not oblige persons to become arbitrators.

Second. *The officer is to afford every encouragement in his power to persons of character and credit to become arbitrators; but he is not to employ any coercive means for that purpose, nor to permit any of his public officers, or private servants, to be arbitrators in a cause. In all cases, he is to endeavour, but without using any compulsion, to prevail upon the parties to submit their cause to the arbitration of one person, to be mutually agreed upon by them. In every case, the parties are to choose the arbitrator or arbitrators, by whom the matter in dispute is to be decided without fee or reward.*

Officer to recommend parties to submit to the arbitration of one person.

Parties to choose the arbitrators, who are to decide without fee or reward.

Officer how to proceed upon the parties agreeing to refer a cause to arbitration.

Third. *Whenever a suit shall be submitted to arbitration, the regulating officer, previous to the arbitrator or arbitrators entering upon the arbitration, is to cause the parties to execute arbitration bonds, binding themselves to abide by the award. The officer is to fix such time as he may think reasonable, upon a consideration of the nature and circumstances of the case, for the delivery of the award, and the period so fixed is to be specified in the bonds. If the cause shall be referred to two or more arbitrators, the following provisions are to be made for completing the award, in the event of the arbitrators not delivering it by the limited time, either from disagreement or other cause. If the decision of the suit shall be referred to two or more arbitrators, whether an odd or an even number, the parties are to have the option of nominating jointly one person as umpire; or, if the number of arbitrators appointed shall be three or more, being an odd number, to agree that the award given by the majority shall be final, or, to permit the arbitrators to nominate an umpire. The name of the umpire, and the time by which he is to make the award, in the event of the arbitrators not delivering it by the limited period, is to be specified in the bonds. In the event of an umpire being appointed, and the arbitrators not agreeing in an award by the limited period, their authority is to cease from such period, and the umpire is to give his award.*

Provisions to be made against the arbitrators not delivering their award by the limited time from disagreement, or other cause.

Fourth. *When a cause shall be referred to arbitration, and the bonds specified in the preceding section shall have been executed, the regulating officer is to transmit to the arbitrator or arbitrators a copy of the complaint, and by a short writing under his signature, refer to him or them the matters in dispute between the parties. In the trial of the suit, the arbitrators are to investigate the matters in dispute, by hearing the pleadings of the parties, and examining their respective witnesses and documents. If the evidence of any persons residing within the limits of the* thanas *should be required by the arbitrators or the parties, the officer is to cause their attendance. If the evidence of any person residing out of the limits of the* thanas *should be necessary, the regulating officer is to transmit such interrogatories as may be required to be stated to them, to the* vakeel *of Government in the* zillah *in which the witnesses may reside, who is to apply to the court to summon the witnesses, and take their depositions. When the depositions are taken, they are to be forwarded by the register of the court to the regulating officer.*

Officer how to proceed when the arbitration bonds have been executed.

Fifth. *In cases where arbitrators, or umpires, shall not have been able to complete the award by the limited time, from want of the necessary evidence or information, or other good and sufficient cause, the regulating officer is empowered to allow a further time for the delivery of the award. In the first mentioned case, the regulating officer is to fix a period by which the umpire (if an umpire shall have been appointed) shall deliver his final award, in the event of the arbitrators not completing their award by the expiration of such further time.*

Cases in which the officer may extend the period for the delivery of an award.

Sixth. *When a final award in a cause shall be made either by the arbitrators, or the umpire, it is to be submitted to the regulating officer under the seal or signature of the person or persons by whom it may be made, together with all the proceedings, depositions, and exhibits in the cause. The regulating officer is to pass a decision conformably to the award, and the decision is to be carried into execution in the same manner as his other decisions.*

Arbitrators to deliver all documents and papers to the officer.

Award to become a decree of the officer.

Seventh. *The regulating officer is on no account to set aside the award of an arbitrator or arbitrators, except it be fully proved to his satisfaction by the oaths of two credible witnesses, that the arbitrator or arbitrators has or have been guilty of gross corruption or partiality in the cause in which the award may be made; in either of which cases he may set aside the award, or make such alteration in it as he may think equitable. The regulating officer, however, is to be careful not to set aside or alter any award, without such proof of the corruption or partiality.*

Awards not to be set aside but upon proof of corruption or partiality against the arbitrators.

XIII. If either of the parties shall omit or refuse to appoint arbitrators, the regulating officer is to enquire into the claim, and pass such decision upon it as may appear to him equitable.

Officer to decide the dispute, if either of the parties omit or refuse to appoint arbitrators.

XIV. The regulating officer is empowered to administer the proper oaths to persons residing within the limits of the thana, *who may be summoned to give evidence before him. If any person so sworn shall appear to him to have been guilty of perjury, the officer may order the* vakeel *of Government to prosecute him before the magistrate of the* zillah *for perjury.*

Regulating officer empowered to administer oaths.

Persons so sworn, if guilty of perjury, liable to be prosecuted before the magistrate.

XV. The regulating officer is empowered to enforce his decisions by causing the delivery of the property (provided it shall be or lie within the limits of any of the thanas*) to the party in whose favour the decision may be passed; or if any sum of money shall be adjudged, and the party against whom the decision shall be passed shall omit or refuse to satisfy it, by the public sale of any property he may possess within the* thana.

How the decisions of the officer are to be enforced.

XVI. But the regulating officer is not to take cognizance of any complaint or claim, where the cause of action shall have arisen, or the property claimed shall be situated, without the limits of the thanas. *Such suits are to be instituted and decided in the court of judicature of the* zillah.

Of what suits the regulating officer is not to take cognizance.

XVII. The regulating officer shall not sell any property lying without the limits of the thana, *in satisfaction of any decisions that he may pass in causes which he is above authorized to determine. But if a decision shall be passed by the regulating officer against any invalid or inhabitant of any of the* thanas, *for a sum of money on a bond, or other contract*

Officer not to sell property without the limits of the thanas, in satisfaction of decisions passed by him.

Mode in which the officer is to procure the sale of pro-

perty out of the limits of the thanas *belonging to persons residing in the* thanas *against whom he may pass decisions.*

contract or agreement, which shall have been executed or made within the limits of the thanas, *and the person against whom the decision may be passed, shall not have property within the limits of any of the* thanas *sufficient for the liquidation of it, but shall possess property without the limits of the* thanas, *the regulating officer is to submit a copy of his decision through the* vakeel *of Government to the judge of the* dewanny adawlut *of the* zillah *or city in which the property may lie or be, who, unless an appeal shall be preferred against the decision, is to cause it to be enforced by the sale of the property of the party against whom it may be passed, in the same manner as if the decision had been given in his own court.*

Regulating officer not to issue process or exercise any authority whatever out of the limits of the thana.

XVIII. The regulating officer is not to issue any process, or exercise any authority whatsoever out of the limits of the thanas.

Plaintiffs at liberty to complain in the first instance to the dewanny adawlut *of the* zillah, *instead of bringing their cause before the regulating officer.*

XIX. If any claims of a civil nature shall arise between the invalids or other inhabitants of the thanas, *and the plaintiff, or both the plaintiff and defendant, shall be desirous of bringing the cause in the first instance before the* dewanny adawlut *of the* zillah *in which the* thana *may be situated, instead of preferring it to the regulating officer, the plaintiff is permitted to prefer the suit to the court accordingly.*

Invalids charged with murder or other heinous offence, to be sent to the magistrate.

XX. If an invalid shall be charged before the regulating officer with murder, house-breaking, robbery, theft, or other heinous crime, the regulating officer is to send the party accused to the magistrate of the zillah, *who is to proceed with him in the same manner as he is directed to proceed with other persons charged before him with similar crimes or offences, and apprehended under his own warrant.*

In what cases an appeal is to lie from the decisions of the regulating officer to the dewanny adawlut *of the* zillah.

XXI. An appeal is to lie to the dewanny adawlut *of the* zillah *from the decisions passed by the regulating officer, in all causes for personal property in which the sum of money, or the value of the thing claimed or decreed, shall exceed fifty rupees; and in all causes whatever for real property lying within the* thana, *provided that the petition of appeal be presented to the judge within six weeks after the date of the decision of the regulating officer.*

Claims and charges, preferred against inhabitants of a thana, *by persons residing out of the* thanas, *and by the former against the latter, to be exclusively cognizable in the civil and criminal courts.*

XXII. If any invalid or other inhabitant of a thana, *shall have a claim or charge of a civil or criminal nature to prefer against any person residing without the limits of the* thanas, *or if any person residing without the limits of the* thanas, *shall have a claim or charge to prefer against an invalid, or other inhabitant of a* thana, *such claim or charge is to be considered as exclusively cognizable in the civil or criminal court of the* zillah *or city to the jurisdiction of which it may belong.*

Regulating officer empowered to employ the vakeel *of Government to plead the causes of invalids or their heirs residing within the* thanas,

XXIII. To prevent invalids, or their heirs residing within the thanas *and possessing the whole or a part of their* jaghires, *being harassed with lawsuits, and that they may be enabled to defend or prosecute suits in the courts of civil judicature without being obliged to attend in person, or being subjected to trouble or expence; the regulating officer is empowered in the following cases to employ the* vakeel *of Government to plead the causes of invalids, free of cost.*

where they may have civil or criminal suits, or charges to prefer against persons out of the thanas;

First. *Where an invalid, or his heir residing in a* thana, *may have a claim of a civil, or a charge of a criminal nature, to prefer against any person residing out of the limits of the* thanas, *or a criminal charge against any invalid or inhabitant of a* thana *of which the regulating officer is prohibited taking cognizance by Section* 20.

or criminal charges of the nature specified in Section 20, *against any person residing in a* thana;

Second. *Where a claim of a civil nature may be preferred against an invalid, or his heir residing within a* thana, *by any person not being an inhabitant of a* thana.

or, where a civil suit may be preferred against them by a person residing out of the thana;

Third. *Where an invalid, or his heir residing within a* thana, *shall be sued by another invalid or inhabitants of the* thana *in the court of justice in the first instance, notwithstanding he shall have offered to the plaintiff to submit the cause to be tried by the regulating officer or by arbitration.*

or, where they shall have agreed to refer a claim made upon them to the regulating officer, or to arbitration, and the plaintiff shall nevertheless have sued them in the first instance in the court.

Fourth. *The authority to employ the* vakeel *of Government given to the regulating officer by this section, is to extend only to the suits specified in the three foregoing clauses in which invalids, or theirs heir residing in the* thanas, *may be parties, and not to any suits of other descriptions of persons residing in the* thanas, *nor of invalids or their heirs who may reside out of the limits of the* thanas.

Authority vested by this section in the regulating officer to extend only to the suits

XXIV. The regulating officer is prohibited employing the vakeel *of Government to undertake the suits of invalids in the following cases.*

therein specified, in which invalids or their heirs residing in the thanas *may be parties.*

The regulating officer prohibited employing the vakeel *of Government to plead for invalids or their heirs residing in the* thanas,

First. *To prevent invalids or their heirs, abusing the above indulgence of having their suits pleaded by the* vakeel *of Government, the regulating officer is not to order the* vakeel *of Government to undertake any suits or prosecutions of the descriptions specified in the preceding section, which may appear to him unjust or frivolous; nor to defend any suits or prosecutions that may be preferred against invalids, or their heirs, which may appear to him well founded. In such cases, the invalid or his heir is to be left to prosecute the claim or charge, or to defend the suit in person, or by* vakeel, *at his own cost.*

where their claims or prosecutions may appear to him unjust or frivolous, or the suits or prosecutions instituted against them may appear to him well founded;

Second. *Where an invalid, or his heir residing within a* thana, *shall be prosecuted for any of the criminal offences described in Section* 20, *whether the prosecutor be or be not an inhabitant of a* thana.

or, they may be prosecuted for any of the offences described in Section 20,

Third. *Where an invalid, or his heir, shall appeal from a decree of the regulating officer.*

or, they shall appeal from a decree of the regulating officer;

Fourth. *Where invalids, or their heirs, shall agree to any suits in which they may be parties, being brought in the first instance before the court of justice as authorized in Section* 19.

or, they shall agree to any suits being brought before the court in the first instance.

XXV. The process of the civil and criminal courts of judicature and of the police officers, is to be current in the invalid thanas, *in the same manner as in other parts of the country, and the invalids and all inhabitants of the* thanas, *are to pay due obedience thereto under pain of paying such fine or suffering such punishment, as the courts are empowered by any regulation passed and printed in the manner directed in Regulation XLI.* 1793, *to impose or inflict on persons disobeying or resisting their process.*

Process of the civil and criminal courts and the police officers to be current within the thanas, *in the same manner as out of their limits.*

XXVI. The regulating officer is to discourage all money-lending amongst the invalids as much as possible, and Regulation XV. 1793, *is to be fixed up in the* cutcherry *of every* thana. *The regulating officer is to conform to the abovementioned regulation, in adjusting claims for debt, or other matters to which it is applicable.*

Money-lending amongst the invalids to be discouraged.

Regulation XV 1793, *to be fixed up in every* thana.

Regulating officers to conform to the above regulation.

XXVII. Jaghires, *whilst possessed by invalids, are not to be assigned as security for money borrowed by them, nor to be answerable after their decease for debts contracted by them. But when* jaghires *devolve to the heirs or successors of invalids, they are to be answerable for debts contracted by such heirs and successors.*

Lands in possession of invalids not to be assigned for debts, nor to be answerable after their decease for debts contracted by them.

The above restrictions not to operate, when the lands devolve to their heirs or successors.

XXVIII. The following are the proportions of lands to be granted to the several descriptions of invalids.

Quantity of land to be granted to the several descriptions of invalids.

	Beegahs.
A subadar of infantry, and a first jemadar of cavalry, ...	100
A jemadar of infantry, and a second jemadar of cavalry, and sarang, ...	50
Havildar of infantry, and a first duffadar of cavalry, and tindal,... ...	30
Naik of infantry, and a second duffadar of cavalry, and cossob, ...	25
Sepoy, trooper, lascar, drummer, trumpeter, and behistee, ...	20

XXIX. The distribution of the lands is to be made by the regulating officer in concert with the collector, agreeably to the instructions with which they may be furnished; and the courts of judicature are not to interfere in any shape, or receive any complaints or representations whatever regarding the distribution.

Distribution of the lands by whom and how to be made.

XXX. The invalids are to be present at their respective thanas *at the periods of inspection, and payment of the proportion of their pay which Government may judge it proper to continue of them in addition to the provision in land, in failure of which they are to be struck off the establishment. The courts of judicature are not to receive any complaints or representations that may be presented to them by any invalid for having been struck off the establishment under this section.*

Invalids to be present at the periods of inspection and payment.

XXXI. First. *The rules in Section* 5, *are to be considered as immediately applicable to the lands only which have been granted to invalids subsequent to the* 25*th February* 1793, *or that may be hereafter granted to them. But the collectors are to endeavour to bring the lands in the* thanas *established previous to that date in Behar and Boglepore*

Rules in Section 5, *to be considered immediately applicable only to lands granted after the* 25*th February* 1793. *But the lands in the* thanas *in Boglepore and Behar to be*

brought under the abovementioned section as soon and as far as may be practicable.

Boglepore under the rules prescribed in the abovementioned section, as far as may be practicable consistently with the terms on which the lands were made over to the original grantees, by prevailing upon the present occupants, and the zemindars, *to enter into agreements to that effect. By this means the nature of the tenure of the former will be defined, and the rights of the latter preserved; all the invalid establishments will be under one uniform system; and the rights both of the* zemindars *and the invalids, and their respective heirs and successors, as founded upon the terms of the deeds of agreement, will be equally under the protection of the laws. For the attainment of the above object, the collectors and the regulating officers are to conform to the following instructions.*

To enter into agreements with the zemindars, subjecting the lands above mentioned to the terms in Section 5.

Second. *To endeavour to conclude agreements with the* zemindars, *rendering all lands now held by invalids or their heirs, in Boglepore and in Behar, (excepting the lands granted to the invalids under the regulations of the 18th February 1789,) subject to the conditions specified in Section 5, of this regulation.*

To new model those thanas *as far as regards the proportions of land under the restrictions herein prescribed.*

Third. *To new model the* thanas *in Boglepore and Behar, as far as relates to the proportions of land, and to fix for each invalid now on the establishment, the quota of land assigned for his rank by Section 28, and to extend this rule to the heirs and successors of invalids who have come into possession of* jaghires, *resuming both from invalids, and the heirs or successors of invalids, whatever quantity of land may have been granted to them exceeding that proportion, excepting where the occupants shall have brought into cultivation a larger quantity of land than is now fixed for their respective ranks, or the ranks of their ancestors or predecessors, in which cases they are not to be deprived of any part of the land that is in actual cultivation, but to continue to possess the whole under the conditions above prescribed.*

Rules for the administration of justice, &c. declared applicable to the thanas *mentioned in the preceding section.*

XXXII. The several rules for administering justice in thanas *established subsequent to the 25th February 1793, are to be considered to extend to the* thanas *already established in Boglepore and Behar.*

Rules in the preceding sections not applicable to the invalids who accepted of double portions of lands under the resolutions of the 18th February 1789, and 24th December 1790.

XXXIII. *First.* No part of the rules in the preceding sections of this regulation are to be considered applicable to the invalids, who have accepted of double portions of land under the resolutions of the Governor General in Council, passed on the 18th February 1789, and the 24th December 1790. Those invalids are dispersed in different parts of the country, receive no pay, are under no military controul, and are entirely unconnected with the service. They are to be considered as tenants of the landholders in whose estates they are settled, and are subject to the jurisdiction of the civil and criminal courts of judicature, in the same manner as other individuals. To secure them and their heirs in the possession of the lands which have been made over to them, the collectors are to apply to the *zemindars* to grant them *pottahs* confirming the land to them and their heirs as *pottah, talooks* agreeably to the terms of the abovementioned regulations, under which they received the lands, and which, as far as they regard the provinces of Bengal, Behar, and Orissa, are hereafter inserted as the rules by which all questions regarding any such grants as may have been made, are to be decided.

Invalids allowed the portions of land herein specified, upon taking a discharge from the service.

Second. Regulations of the 18th February 1789, article 1st. Such invalid *sepoys* and native troops now at Monghir, and all who shall hereafter be invalided, as may be desirous of receiving grants of waste land in lieu of the pay allowed them by Government, upon taking a final discharge from the service, shall be entitled to the same in the following proportions, according to their rank:

	Beegahs.
Commandants of infantry, and russuldars of cavalry, ...	600
Subadars of ditto, and 1st jemadar of ditto, ...	400
Jemadars of ditto, and 2d jemadar of ditto, ...	200
Havildar of ditto, and 1st duffadars of ditto, ...	120
Naiks of ditto, and 2d ditto ditto, ...	100
Sepoys and troopers, ...	80

Serangs as jemadars—tindals as havildars—cossobs as naiks—lascars as sepoys.

Lands to be granted in Behar, Shahabad, or Rotas,

Third. 2d. The lands shall be granted either in sircar Behar, Shahabad, or Rotas, and in such villages as each individual may point out.

Fourth. 3d. Should any objection occur to the collectors of the above districts to granting waste lands to any individual in the village which he may fix upon, they are to allot lands to him in some of the villages most contiguous thereto, and to the granting of which no objection exists.

wherever the invalids may point out.

Collectors how to proceed, if lands cannot be procured in the villages which the invalids may point out.

Fifth. 4th. Waste lands are to be granted to the invalids in other districts exclusive of those above mentioned, in such particular instances as the Governor General in Council may think proper.

Government may assign lands in other districts besides those specified in article 2d.

Sixth. 5th. The collectors of Behar and Shahabad, are to be directed to make it a rule to select, as far as may be in their power, such tracts of waste land for the invalids as may be brought into cultivation with the least difficulty, and at the smallest expence, and the quality of which may be such as to afford a produce adequate to the labour of the tillage; and that they be contiguous to parts of the country now in a state of cultivation, in order that the invalids may have an opportunity of procuring with greater facility such assistance as may be requisite for enabling them to establish themselves upon their lands.

Rules to be observed by the collectors in selecting lands for invalids.

Seventh. 6th. The original grantee shall hold the lands allotted to him rent-free for life, without being subject to any tax or demand whatever.

Original grantee to hold the lands rent free for life.

Eighth. 7th. The *sunnuds* for the lands so granted in Behar, Rotas, and Shahabad, shall be made out under the official seal and signature of the collectors of those districts, who are respectively required to keep a register of all such grants, and to transmit copies thereof annually to the Board of Revenue.

Sunnuds for the lands by whom to be granted.

Ninth. 8th. Upon the death of the original grantee, his lands are to be continued to his heirs at law at a fixed *jumma*, to be assessed by the collectors aforesaid, in their respective districts, upon an estimate of the actual neat produce, after deducting one-tenth therefrom to be annually paid to the *zemindar* as *malikanah* by the *mocurreree* holder, who shall thenceforward be considered upon the same footing as other persons in the province holding lands at a fixed rent.

Upon the death of an invalid, his lands to descend to his heirs upon the terms herein specified.

Tenth. 9th. The collectors above mentioned, having fixed the rent payable to Government, and the amount of the *zemindar's malikanah* as directed in the preceding article, shall cause *mocurreree sunnuds* to be drawn out and authenticated in the mode prescribed in the seventh article, in the name of the heirs of the deceased, who shall accordingly hold the said lands in perpetuity, so long as they shall continue to discharge the rent and *malikanah* with which they may be so assessed.

Heirs of the invalids to receive the prescribed *sunnuds*, and to hold the lands whilst they discharge the *malikanah* and rent.

Eleventh. 10th. If the original grantee shall die within five years from the date of his grant, his heirs shall continue to hold the lands rent-free until the said period of five years from the date of such grant shall have elapsed, at the expiration of which, the lands shall be assessed and held by him as directed in the two preceding articles.

Terms on which the heirs of invalids who may die within the first five years, are to succeed to the lands of the deceased.

Twelfth. 11th. Should any of the *mocurrereedars* aforesaid, omit to discharge the amount of the rent of Government, and the *malikanah* payable to the *zemindar*, their *mocurreree* leases, with the rights and privileges thereto annexed, are to be sold to the best bidder for the liquidation of the amount of the demands against them.

Consequences attending the non-payment of the rent and *malikanah*.

Thirteenth. 12th. And in order that the men who may hereafter prefer this provision to the Boglepore establishment, may be the better enabled to provide themselves with the implements of husbandry, and the means of cultivating the lands assigned to them, it has been further agreed to grant to the several ranks a gratuity in money in the following proportions :—

Gratuity in money to be granted to invalids.

To each rank entitled to receive 600 *beegahs*, 150 sicca rupees.

ditto	ditto	400	do.	100
ditto	ditto	200	do.	50
ditto	ditto	120	do.	30
ditto	ditto	100	do.	20
ditto	ditto	80	do.	15

Fourteenth. Regulation of the 24th December, 1790. To obviate any objections which the landholders may entertain to the allotment of waste lands to invalids, the whole amount of the fixed *jumma* to be assessed upon such lands after the death of the original grantee

Landholders not to be subject to the payment of any increase of revenue to Government for the rent

or *mahkanah* herein specified.

grantee, agreeably to the regulations of the 18th February 1789, shall belong to the proprietor of the village in which such lands may be situated, and he shall not be subject to any additional demand on the part of Government on account thereof, during the term of the engagements that may exist between him and Government at the time that the lands so granted may become liable to the payment of such *jumma*.

A. D. 1793. REGULATION XLIV.

A REGULATION *for prohibiting the fixing the Jumma of dependant Talooks, or granting Leases or Pottahs for a Term exceeding ten Years; and, in Cases of Lands being disposed of at public Sale for the Discharge of Arrears of the public Revenue, for rendering null and void all Engagements (with certain exceptions) subsisting between the defaulting Proprietor and his dependant Talookdars, Under-farmers, and Ryots, for the Payment of Rent or Revenue on Account of the Lands so sold.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

THE public demand upon the estates of the proprietors of lands with whom a settlement has been or may be concluded under the original regulations for the decennial settlement, having been declared fixed for ever, it is to be apprehended that many proprietors, either from improvidence, ignorance, or with a view to raise money, or from other causes or motives, may be induced to dispose of dependant *talooks* to be held at a reduced *jumma;* or fix the *jumma* of such dependant *talooks* as now exist in their respective estates at an under rate; or let lands in farm, or grant *pottahs* for the cultivation of land at a reduced rent for a long term, or in perpetuity. Such engagements, if held valid, would leave it in the power of weak, improvident, or ill-disposed proprietors, to render their property of little or no value to their heirs; promote vice and injustice; occasion a permanent diminution of the resources of Government arising from the lands, in the event of the rent or revenue reserved by such proprietors being insufficient for the discharge of the amount of the public demand upon their estates; be an abuse of the great and lasting benefit which has been conferred upon the landholders by the possession of their lands being secured to them in perpetuity at a fixed assessment; and moreover be repugnant to the ancient and established usages of the country, according to which the dues of Government from the lands (which consist of a certain proportion of the annual produce of every *beegah* of land demandable according to the local custom in money or kind, unless Government has transferred its right to such proportion to individuals for a term or in perpetuity, or fixed the public demand upon the whole estate of a proprietor of land, leaving him to appropriate to his own use the difference between the value of such proportion of the produce and the sum payable to the public, so long as he continues to discharge the latter) are unalienable without its express sanction It is at the same time essential, that proprietors of land should have a discretionary power to fix the revenue payable by their dependant *talookdars*, and to grant leases, or fix the rents of their lands for a term sufficient to induce their dependant *talookdars*, under-farmers, and *ryots*, to extend and improve the cultivation of their lands, and that such engagements should be held inviolable in all cases except where they may interfere with, or affect in any shape the primary and indefeasible rights of Government. Upon the above grounds, and as the proprietors of land, previous to the decennial settlement being declared perpetual, were not entitled to enter into any engagements with their dependant *talookdars*, under-farmers, or *ryots* for a period ex-

 tending

tending beyond the term of their own engagements with the public; the Governor General in Council has enacted as follows.

Jumma of dependant talooks, not to be fixed, nor farms or pottahs granted, for a term exceeding ten years.

II. No* zemindars, *independent* talookdars, *or other actual proprietors of land, nor any persons on their behalf, shall dispose of a dependant* talook *to be held at the same or at any* jumma, *or fix at any amount the* jumma *of an existing dependant* talook *for a term exceeding ten years, nor let any lands in farm, nor grant* pottahs *to* ryots *or other persons for the cultivation of lands, for a term exceeding ten years. Nor shall it be lawful for any* zemindar, *independent* talookdar, *or other actual proprietor of land who may have entered into an engagement with any dependant* talookdar, *fixing the* jumma *of his* talook *for a term not exceeding ten years, or let any lands in farm, or granted* pottahs *for the cultivation of lands for a term not exceeding ten years, to renew such engagement, lease, or* pottah, *at any period before the expiration of it, excepting in the last year, at any time during which it shall be lawful for the parties to renew such engagement, lease, or* pottah, *upon the same or any other terms for a period not exceeding ten years, calculating from the expiration of the year in which such renewal may take place. All evasions of the prohibitions contained in this section, by entering into two separate engagements, leases or* pottahs, *at the same time; dating an engagement, lease, or* pottah, *subsequent to the period at which it may have been actually executed; or by any other device, shall be considered as an infringement of them; and every engagement fixing the* jumma *of a dependant* talookdar, *and every lease or* pottah *which has been or may be concluded or granted in opposition to such prohibitions, is declared null and void.*

Engagements for ten years or less not renewable at any period during the term of them, except in the last year.

All evasions of this rule null and void.

All engagements, leases, and pottahs, *which have been or may be granted repugnant to this section, declared void.*

III†. Where a division of a joint estate shall be made at the request of the proprietors, or pursuant to the decree of a court of justice, the fixed public revenue assessed upon the whole estate shall be apportioned on the several shares, agreeably to the principles prescribed in Section 10, *Regulation* I. 1793, *without regard to any engagements that may subsist between the proprietors and their dependant* talookdars, *(excepting the dependant* talookdars *described in Section* 7,) *under-farmers, or* ryots. *But the sharers shall not demand from the dependant* talookdars, *under-farmers, or* ryots, *in their respective shares, any sum beyond the amount specified in the engagement, lease, or* pottah, *which may have been entered into between them and the proprietors jointly previous to the division of the estate, provided that such engagement, lease, or* pottah, *be not repugnant to the rules prescribed in Section* 2, *and such dependant* talookdars, *under-farmers, or* ryots, *shall duly perform their part of it; but it shall remain in full force (excepting in the event of the lands being disposed of at public sale for the discharge of arrears of the public assessment) until the term of it shall have expired.*

Existing engagements between proprietors and their dependant talookdars, *under farmers, and* ryots, *if conformable to this regulation, not to be affected by divisions of the estate made pursuant to judicial decrees, or the request of the joint proprietors.*

IV. If the whole or a portion of any estate shall be transferred by public sale, (excepting it be so disposed of for the discharge of arrears of the public revenue,) or by private sale, gift, or otherwise; or devolve to any person upon the death of the former proprietor, according to the Hindoo or Mahomedan law of inheritance, the person or persons to whom the lands shall be so transferred or may so devolve, shall not demand from the dependant talookdars, *under-farmers, or* ryots *in the lands transferred, any sum beyond the amount specified in the lease,* pottah, *or other engagement, for the payment of rent or revenue which may have been entered into between them and the former proprietor previous to the transfer, or devolution, provided that such engagement be not repugnant to the rules prescribed in Section* 2, *and that such dependant* talookdars, *farmers, or* ryots, *duly perform their part of it, but it shall remain in full force until the term of it shall have expired.*

Engagements abovementioned not to be affected by the transfer of the lands by public sale, (except for arrears of revenue,) or by any private act of the proprietors.

V. Whenever the whole or a portion of the lands of any *zemindar*, independant *talookdar*, or other actual proprietor of land shall be disposed of at public sale for the discharge of arrears of the public assessment, all engagements which such proprietor shall have contracted with dependant *talookdars* whose *talooks* may be situated in the lands sold, as also all leases to under-farmers, and *pottahs* to *ryots*, for the cultivation of the whole or any part of such lands, (with the exception of the engagements, *pottahs*, and leases, specified in Sections

When lands are sold to make good arrears of public revenue, all engagements subsisting between the proprietors and their dependant *talookdars*, farmers, and ryots, on account of such lands to be null and void.

* Rescinded by Sect. 2, Regulation V. 1812, but this and the two following sections re-enacted for Cuttack and the Western Provinces by Regulation XIV. 1812.

† Rescinded by clause 1, Section 3, Regulation XVIII. 1812.

7 and 8,) shall stand cancelled from the day of sale, and the purchaser or purchasers of the lands shall be at liberty to collect from such dependant *talookdars*, and from the *ryots* or cultivators of the lands let in farm, and the lands not farmed, whatever the former proprietor would have been entitled to demand according to the established usages and rates of the *pergunnah* or district in which such lands may be situated, had the engagements so cancelled never existed.

Exception to the rule.

VI. Nothing contained in this regulation shall be construed to prohibit any *zemindar*, independent *talookdar*, or other actual proprietor of land, selling, giving, or otherwise disposing of any part of his lands as a dependant *talook*.

This regulation not to prohibit proprietors from disposing of dependant *talooks*.

VII. Nor to authorize the assessment of any increase upon the lands of such dependant *talookdars* as were exempted from any increase of assessment at the forming of the decennial settlement in virtue of the prohibition contained in clause first, Section 51, Regulation VIII. 1793. The revenue payable by such dependant *talookdars* is declared fixed for ever, and their lands are accordingly to be rated at such fixed assessment in all divisions of the estate in which their *talooks* are included.

Nor to affect the *jumma* of the *talookdars*, whose *jumma* is declared unalterable by Section 51, Regulation VIII. 1793.

VIII. Nor to prohibit actual proprietors of land granting without the sanction of Government or its officers, to any person, not being a British subject or a European, a lease or *pottah* for ground for any term of years, or in perpetuity, for the erection of dwelling houses or buildings for carrying on manufactures, or for gardens, or other purposes, and for offices, for such houses or buildings.

Nor to prohibit grants or leases for any term for the purposes herein specified, except to British subjects and Europeans.

A. D. 1793. REGULATION XLV.

A REGULATION *for disposing of Malguzaree and Lakheraje Lands at public Sale, pursuant to Decrees of the Courts of Justice.*—PASSED *by the Governor General in Council on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

IN cases in which portions of estates may be ordered to be sold in satisfaction of decrees of the courts of judicature, it is necessary for the security of the public revenue that the *jumma* to be charged on the lands directed to be disposed of, should be adjusted agreeably to the principles prescribed in Section 10, Regulation I. 1793. The Board of Revenue and the collectors being in possession of the accounts and information necessary for the adjustment of the *jumma*, and as the superintending the details of the attachment and sale of lands would necessarily occupy much of the time of the courts, and often occasion a delay in the enforcement of the decree, and it being necessary that Government should have the means of compelling the proprietors to furnish the requisite accounts and information for enabling the public officers to apportion the *jumma*, and that the courts by which the decrees may have been passed, or to which the enforcing of them may be committed, should be vested with a power of countermanding or postponing the sale in the event of the amount of the decree being discharged previous to the sale being made, or for other cause that may appear to them sufficient, the following rules have been accordingly enacted.

Copy and translate of decrees, to be enforced by the sale of *malguzaree* lands, to be transmitted to the Board of Revenue.

II. When a court of civil judicature shall have occasion to have recourse to the sale of lands paying revenue to Government, in satisfaction of a decree, the court by which the decree is to be enforced, is to transmit a copy of the decree, without any other part of the proceedings, and a translate of it in English, to the Board of Revenue.

Board of Revenue to proceed to the sale of the lands without delay.

Orders for sales of lands to be reported to the Governor General in Council.

III. The Board of Revenue are to proceed with all practicable dispatch to dispose of such portion of the lands of the party against whom the decree may be given, as may be sufficient to make good the amount of it. The Board are to cause the lands to be disposed of at the presidency, or in the *zillah* in which the lands may be situated, according as they may deem most advantageous for the proprietor. The Board are to report for the information of the Governor General in Council, all orders for sales of lands which they may issue under the powers vested in them by this regulation, immediately on the same being issued by them.

Public revenue to be charged on the lands sold, to be fixed agreeably to Section 10. Regulation I. 1793.

IV. The public *jumma* or revenue to be charged on the portion of any estate ordered to be put up to sale, is to be adjusted agreeably to the principles prescribed in Section 10, Regulation I. 1793.

Board of Revenue empowered to order the attachment of lands directed to be sold.

V. The Board of Revenue are empowered, in cases in which it may appear to them expedient, to direct the collector to attach the lands ordered to be sold, by deputing an *ameen* to take charge of them, or by placing them under the nearest *tehsildar* or other revenue officer. The officer to whom the lands may be committed is to collect the rents and revenues, to prevent waste being committed by the proprietor, and to furnish any information that may be required for the adjustment of the *jumma*.

VI.

Expences of the attachment and sale to be defrayed by the proprietor.

VI. The expences attending the attachment and sale of the lands, after being approved by the Board of Revenue, are to be charged to the account of the proprietor, and are to be defrayed either from the collections made from the lands, or from the proceeds of the sale, if the collections shall be insufficient for that purpose.

Proprietor of the lands may appoint officers to keep counterparts of the *ameen's* accounts.

Rules to be observed by the *ameen* in making the collections.

VII. The proprietor of the lands to be sold may appoint his *dewan*, or any other person whom he may think proper, to keep a counterpart of the accounts of the receipts and disbursements of the *ameen*. The *ameen* is to collect according to the engagements that may subsist between the proprietor and his dependant *talookdars*, under-farmers, and *ryots*, and is not to make any alterations whatever in such engagements, or exact more than the amount specified in them, whether they be conformable to Regulation XLIV. 1793, or not; and he shall be liable to a prosecution in the *dewanny adawlut*, for any alteration or infringement of such engagements in opposition to this section. In cases in which no engagements may exist between the proprietor and his dependant *talookdars*, under-farmers, or *ryots*, the *ameen* is to collect from them according to the established rates and usages of the *pergunnah*. The *ameen* shall likewise be subject to a prosecution by the proprietor or farmer of the estate for embezzlement, or injuries done to the estate or farm during the time that the collection of the rents and revenues of it may be entrusted to him.

Rules in the preceding section applicable to *tehsildars* or other officers appointed to take charge of the lands ordered to be sold.

VIII. The rules in the preceding section with regard to *ameens*, are to be considered equally applicable to *tehsildars* or other officers to whose charge lands ordered to be sold may be committed.

Punishment for resisting or causing to be resisted, the officer deputed to attach the lands to be sold.

IX. If a proprietor, or (if the lands be let in farm) a farmer, or his surety, shall resist, or cause to be resisted, the *ameen* or other officer whom the collector by the authority of the Board of Revenue may direct to attach lands ordered to be sold, the collector is to proceed against the offender in the manner in which he is directed in Regulation XIV. 1793, to proceed against proprietors, and farmers, or their sureties, who resist the process which he may issue under Section 5 of that regulation; and all the rules contained in that regulation, respecting proprietors, farmers, or sureties, who may resist or cause to be resisted the process issued by collectors under that section, are to be considered applicable to proprietors, farmers, or sureties, who may resist or cause to be resisted, the officer who may be ordered by the collector to attach their lands under Section 5 of this regulation. Any other descriptions of persons guilty of the offence specified in this section, shall be subject to the same process and punishment as sureties so offending.

Penalty for proprietors or farmers who may not attend, or depute an agent, with the accounts and information necessary for the adjustment of the *jumma*.

X. The proprietor, or (if the lands be let in farm) the farmer of the lands ordered to be sold, upon receiving a written order for that purpose from the collector under his official seal and signature, shall attend the *ameen* or other officer in person, or order an agent duly empowered and informed, to attend him, if the collector shall deem it sufficient to require the attendance of an agent only, with any accounts of the collections and *jumma* of the lands ordered to be sold, or the estate of which they may form a part, for the purpose of adjusting the *jumma* at which the lands are to be disposed of. If the proprietor or farmer shall omit or refuse to attend, or to cause an agent of the description above specified, to attend by the time prescribed in the collector's requisition, with the accounts and information required, the Board of Revenue are empowered to impose such daily fine upon him until he complies with the collector's requisition, as they may think adequate to his situation and circumstances in life, reporting however the amount for the confirmation of the Governor General in Council. The fine is to be levied by the same process as is prescribed for the recovery of arrears of revenue.

Proprietors and farmers to cause the attendance of the *putwarries* and *semindaree* officers on the *ameen* or officer, on receiving a written requisition to that effect from the collector.

XI. The proprietor or farmer shall likewise cause the *putwarries* to attend the *ameen*, or other officer, to assist him in making the collections, and for the purpose of furnishing him with the accounts and information necessary for adjusting the *jumma* as required by Section 62, Regulation VIII. 1793, as well as any other of the *zemindaree* officers whose assistance or attendance may be required for the above purposes, upon receiving a written requisition from the collector to that effect; and in the event of his omission or refusal, he shall be subject to the same penalty as for the breach of the rules in the preceding section.

Publication of the sale, where to be made, how

XII. Previous to any sale of land taking place, a publication is to be made in the Persian and Bengal languages, if the lands shall be situated in Bengal or Orissa, or, in the

Persian language and in the Hindoostanee language and Nagree character, if the lands shall lie in Behar, specifying the *jumma* at which the lands or the several lots of them, if they are ordered to be sold in two or more lots, are to be disposed of, and the place, date, and hour of the day fixed for the sale, and the proportion of the revenue payable on account of the year in which the sale of the lands may take place, for which the purchaser is to be responsible, or, if the exact proportion cannot be ascertained, the rules by which the amount of it is to be adjusted. The publication is to be fixed up in some conspicuous place in the court-room of the *dewanny adawlut* of the *zillah*, the office of the collector, the principal town or village in the lands to be sold, and the office of the secretary to the Board of Revenue. The publication is to be fixed up at the several places above mentioned for a term not less than one month before the sale takes place. The other conditions of sale contained in Sections 13 and 14, as well as any other stipulations that may be made, are to be fixed up in a conspicuous part of the room in which the sale may be directed to take place, on the day of sale, and during the three days preceding it.

long to be fixed up, and what it is to contain.

Other conditions of sale to be fixed up in the room in which the sale is to take place.

XIII. A deposit of five per cent. on the amount of the purchase money is to be made at the time of the sale by the purchaser of the lands. If the purchaser shall omit to discharge the purchase money within the period which may be stipulated, he is to forfeit the deposit to Government, and the lands are to be resold at such purchaser's expence. If the lands shall be disposed of at a lower price than that offered by the first purchaser, he is to make good the deficiency. If a profit shall arise on the second sale, it is to be carried to the credit of the proprietor.

Deposit of five per cent. to be made by the purchaser at the time of the sale.

Consequences of not paying the purchase money by the limited time.

XIV. If the first purchaser shall refuse or omit to make the deposit, or to pay within the required time the amount of the deficiency and the expences arising on the resale, after being served by the collector of the *zillah* in which he may be or reside, or by the Board of Revenue, if he shall be in Calcutta, with a written demand for the amount, similar to that directed in Section 3, Regulation XIV. 1793, to be served on proprietors and farmers of land from whom arrears of revenue are due, the amount shall be levied from him by the same process as is prescribed for enforcing decrees of the courts of judicature.

First purchaser how to be proceeded against, in the event of his omitting to make the deposit, or to pay any deficiency or expence arising on a resale.

XV. The purchasers of land sold under this regulation, are not to be held responsible for any arrears or suspensions of revenue that may be due to Government from the lands prior to the year in which the purchase may be made, unless it shall be otherwise stipulated in the conditions of sale. Arrears or suspensions not so stipulated to be made good by the purchaser, are to be paid from the proceeds of the sale, or by the former proprietor, or recovered by the prescribed process against any other property which he may possess, or against both his property and person if necessary. Arrears of rent or revenue that may be due to the former proprietor from his dependant *talookdars*, under-farmers, or *ryots* preceding the date on which the lands may be sold, are to belong to him, and are to be recoverable by him by suit in the *dewanny adawlut* of the *zillah*. The defaulting proprietor, however, shall be at liberty to transfer his right to such arrears to the new proprietor.

Purchasers not to be responsible for arrears or suspensions of revenue, unless otherwise stipulated.

By whom arrears and suspensions of revenue are to be made good.

Rule respecting arrears of rent or revenue due to the former proprietor.

XVI. Where a sale of the lands of any person shall have been ordered to take place in satisfaction of a decree, the court by which the decree may have been passed, or to which the enforcing of it may be committed, is empowered, in the event of the amount of the decree being discharged, or for other cause that may appear to them sufficient, to countermand or postpone the sale, by issuing a precept to that effect to the collector, if the lands shall have been ordered to be sold by the collector, or by an address to the Board of Revenue, if the lands shall have been directed to be sold by them, in which precept or address, the court shall state their reasons for ordering the sale to be countermanded or postponed, and in the latter case, if it shall appear to them proper so to do, they may prescribe a date for the sale of the lands. The Board of Revenue and the collector are to conform to the requisitions of such precepts or addresses from the courts for countermanding or suspending the sale of lands.

Courts empowered to countermand or postpone sales of lands, ordered to be made in satisfaction of decrees.

XVII. The rules in the preceding sections are to be considered applicable to lands held exempt from the payment of revenue to Government as far as they may be applicable to the circumstances thereof, with this addition, that the purchaser of such exempted lands is to be considered as having succeeded only to the rights of the former proprietor, and that the transfer

Rules in the preceding sections to be applied to lands held exempt from the payment of revenue to Government, as far as they are applicable.

Transfer of such exempted lands by public sale in liquidation of decrees not to affect the rights or claims of Government.

Transfer of lands to be entered in the public registers.

transfer is not to bar any claims of Government for the recovery of the public dues from such lands under Regulations XIX. and XXXVII. 1793, or any other regulation that may be hereafter enacted.

XVIII. When the sale of the lands shall have taken place, the collector is to cause the entries of the transfer to be made in the public registers, as prescribed in Regulations XIX. XXXVII. or XLVIII. 1793, according to the description of the property transferred.

A. D. 1793. REGULATION XLVI*.

A REGULATION *for admitting Persons of certain Descriptions to sue in the Courts of civil Judicature as Paupers.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

THAT *persons unable to appear and plead their own causes may not be debarred from the recovery of their rights, in consequence of not being able to give the security required by Regulation VII.* 1793, *for the payment of the fees of the pleaders, and at the same time that individuals may be deterred from preferring groundless or litigious suits, and evading entering into the required security for the payment of the prescribed fees under the pretext of inability to procure it, the following rules have been enacted:*

Courts empowered to admit persons to plead as paupers, on their giving security for their appearance.

II. If any person who may be desirous of referring a suit to any of the courts of civil judicature, and who may be precluded from pleading his cause in person, shall represent that he is unable to give the security required by Section 9, *Regulation VII.* 1793, *for the payment of the fees of the* vakeels, *and such inability shall be proved to the satisfaction of the court by the oath of the plaintiff, or appellant, and of two credible witnesses that they believe such oath to be true, the court is empowered to admit the suit, on the plaintiff or appellant finding two good and sufficient sureties for his appearance, whenever his attendance may be required by the court.*

Courts how to proceed, in the event of the plaintiff or appellant being cast, and the suit proving litigious or vexatious.

III. If the plaintiff or appellant shall not establish his claim, and the court shall deem the suit frivolous or vexatious, and the plaintiff or appellant shall not pay the amount of his own fees, and the fees and costs which may be awarded against him in favour of the opposite party, the court is authorized to commit him to close custody for any space of time not exceeding three months; and if the two sureties shall not produce the plaintiff or appellant so that he may be proceeded against as above directed, or cause the fees and costs to be paid, the court shall commit such sureties to the common jail for any space of time not exceeding three months; and the plaintiff or appellant or the sureties who may be so committed, after he or they shall have been confined for the prescribed time, shall be discharged. But if a plaintiff or appellant who may have sued as a pauper under this regulation, and who may have been cast, and shall not have paid the fees and costs, shall afterwards be found to possess property sufficient to make good the amount, the court, whether the suit shall have been pronounced litigious or otherwise, are to proceed against such property for the recovery of it.

Fees and costs awarded against paupers found to possess property adequate to the discharge of the amount, to be recovered by the court.

By whom the fees of the vakeels *of paupers are to be made good, in the event of their gaining the suit.*

IV. If a plaintiff or appellant suing as a pauper under this regulation, shall gain his suit, the court are to cause the defendant or respondent to make good the amount of the fees to the vakeel *suing for such pauper, or such part of it as the court may decree.*

Authorised vakeels *allowed to undertake the suits of paupers.*

V. The authorized vakeels *in the several courts are permitted to undertake the causes of paupers under this regulation.*

Provision for cases in which paupers shall be unable to prevail on the vakeels *to undertake their suits under this Regulation.*

VI. If a pauper shall be unable to prevail on any of the vakeels *to undertake his suit under this regulation, and the court shall be satisfied of his inability to plead the cause in person, the court may, in cases in which for special reasons it may deem it proper so to do, require one of the* vakeels *of the court to undertake and plead the suit. The courts are to enter on the record of the trials, their reasons for every exercise of the power vested in them by this section.*

* Rescinded by Sec. 2, Reg. XXVIII. 1814.

A. D. 1793. REGULATION XLVII.

A REGULATION *for providing for Differences of Opinion between the Judges of the Provincial Courts of Appeal and Courts of Circuit, and prescribing Rules regarding other Matters connected with their official Situations.*—PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

THE following provisions are made for cases in which a difference of opinion may arise amongst the judges of the provincial courts of appeal and courts of circuit, and for other matters connected with their official duty.

Provisions respecting differences of opinion.

II. In all cases in which a difference of opinion may arise amongst the judges of a provincial court of appeal, or a court of circuit, the opinion of the majority shall determine. When there shall be only two judges in court, the senior of the two judges shall have a casting vote. Each judge, however, shall have the liberty of recording the grounds of his opinion on the proceedings of the court.

Two judges to form a court of appeal.

III. Two judges shall be necessary to hold a court of appeal.

Decrees not valid unless passed by two judges in court. Decrees to be signed by judges present.

IV. No decree in a suit or appeal brought before a provincial court of appeal shall be valid, unless passed by two judges present in court. The decrees are to be signed by the judges by whom they may be passed.

Meetings of the courts.

V. The provincial courts of appeal are to meet on three fixed days in each week, whilst they are at the sudder station, or oftener if business shall require it. The extra-meetings are to be summoned by the register upon receiving orders for that purpose from the first judge, or the senior judge on the spot, to whom it shall be left to determine when and how often such extra-meetings shall be summoned. But the court shall not sit on Sunday on any occasion whatever.

Rules relating to the absence or indisposition of any of the judges.

VI. The judges of the provincial courts of appeal are not to absent themselves from their stations without the previous sanction of the Sudder Dewanny Adawlut, nor shall any judge omit to sit in court on court days, unless prevented by indisposition, or other unavoidable cause, which shall be entered on the proceedings of the court. If a judge shall be under the necessity of absenting himself from the court for three meetings successively, he shall notify the same to the Sudder Dewanny Adawlut, with the circumstances that prevented his attendance.

A. D. 1793. REGULATION XLVIII.

A REGULATION *for forming a Quinquennial Register of the landed Estates in Bengal, Behar, and Orissa, subject to the Payment of Revenue to Government, and of the Amount of the fixed annual Revenue payable to Government from each Estate.* —PASSED *by the Governor General in Council, on the* 1*st May* 1793; *corresponding with the* 21*st Bysaak* 1200 *Bengal era; the* 6*th Bysaak* 1200 *Fussily; the* 21*st Bysaak* 1200 *Willaity; the* 6*th Bysaak* 1850 *Sumbut; and the* 19*th Ramzaan* 1207 *Higeree.*

Preamble.

THE public revenue assessed upon each estate under the rules for the decennial settlement, being fixed in perpetuity; and each estate being liable in progress of time to be divided, and formed into two or more estates, either in consequence of one or more of the proprietors now possessing, or who may succeed to it, requiring the separate possession of his or their respective share or shares, or from a part of the estate being transferred by gift, sale, or other private act of the proprietor or proprietors, or by public sale; and the security of the public revenue, depending upon the allotment of it on each portion of every estate so divided being made agreeably to the rules prescribed in Regulation I. 1793; and it being necessary for enabling the officers of Government to apportion the public revenue in conformity to the rules contained in that regulation, and for affording Government the means of tracing every deviation from those rules, that there should be kept a register of all estates paying revenue to Government, the annual revenue charged upon each of them, and the names of the proprietors, and also of the transfer of estates or portions of estates, and of the allotment of the public revenue upon such portions, and of the union of estates which may have originally formed parts of the same *zemindaree*, *talook*, or *chowdrai;* and that every such union, and all such transfers, divisions, and allotments of the public revenue that have taken place since the commencement of the decennial settlement, or which may hereafter occur, should be traceable with facility, and certainty, at any future period; and it being also requisite for financial purposes, and for the information of the courts of judicature from or to whose jurisdiction any districts or lands may be transferred or annexed, that there should be a record of the transfer of all districts or lands from the jurisdiction of one *zillah* to that of another; the following rules have been enacted.

Quinquennial register to be prepared of the estates paying revenue to Government, and of the *jumma* assessed upon each estate.

II. *First.* Every five years, the collectors of the land revenue in the several *zillahs*, are to prepare a register of all the estates in their respective *zillahs* of whatever denomination or description, the proprietors of which pay the public *jumma*, or revenue, assessed upon their estates immediately to Government.

Explanation of the term estate.

Second. By the term estate, is to be understood any land, being *malguzaree*, or subject to the payment of public revenue, for the discharge of which a separate engagement has been or may be entered into with Government.

Names of estates to be arranged in alphabetical order.

III. The names of the estates in each *zillah*, are to be arranged in alphabetical order according to the English alphabet.

Estates to retain their present names.

IV. Estates having names, are to retain the names by which they are at present distinguished.

Estates the names of which are varied upon a change of the proprietor, to retain their present names.

V. Where it is the practice to vary the appellation of estates upon every change of the proprietors, such estates are henceforth to bear the names by which they are at present distinguished.

Proprietors to name their estates, in the event of their not having been distinguished by any particular name.

VI. Estates that have not been distinguished by any particular appellation, are to be named by the proprietor or proprietors, and henceforth to retain the name which may be so given to them. If any dispute shall arise between the proprietors of a joint estate regarding the name to be given to the estate, it shall be determined agreeably to the rules prescribed for electing a manager of a joint undivided estate in Regulation VIII. 1793, with this qualification, that where the votes and interest in the estate may be equal, or the proprietors shall neglect to give a name to the estate upon the requisition of the collector, he shall name the estate without reference to the Board of Revenue.

Distinguishing appellations to be subjoined to the name of the estate.

VII. *First.* Where estates, in addition to their names, bear the distinguishing appellation of *talook*, *tuppa*, &c. they are to be placed on the register according to the initial letters of their names, and any such distinguishing appellations are to be inserted immediately after the names as follows:

AKBERPORE *(tuppa* or *talook,)* &c.

Estates which form specific portions of *zemindarees*, &c. to be stated under the general head of the original estate.

Second. Where a *zemindaree*, *talook*, or *chowdrai*, from whatever cause, shall have been or may be divided into a number of shares, each consisting of a specific and ascertained proportion of the original estate, and the sharers shall have the separate possession of their shares, and shall have entered into distinct engagements with Government for the payment of the public revenue assessed upon their respective shares, so as to render each share a distinct estate, the shares are to be placed under the head of the *zemindaree*, *talook*, or *chowdrai*, of which they originally constituted a part, as follows:

AKBERPORE.
Six annas.
Three annas.
Seven annas.

Such estates, if not specific proportions, not to be registered under the head of the original estate.

Third. If any lands, villages, or *mohauls* in an estate, not forming an ascertained and specific proportion of the whole estate, shall have been or may be transferred, either by public sale, or by any private act of the proprietor, and the new proprietor shall have entered into, or may execute separate engagements to Government for the public revenue, the lands so transferred (which agreeably to clause second, Section 2, will form a separate estate) are not to be inserted under the head of the *zemindaree*, *talook*, or *chowdrai*, of which they originally formed a part, as directed with regard to the estates described in the preceding clause, but they are to be considered as original and distinct estates, and to be named under the rules above prescribed for the naming of estates.

Parts of the same estate in different *zillahs* for which one engagement only has been given, to be registered as *kismuts*.

Fourth. If parts of the same estate shall be situated in different *zillahs*, and one engagement only shall have been executed by the proprietor to Government for the whole estate, in such case, the portions in each *zillah* are to be registered as *kismuts* or parts of the estate, without any specification of the proportion that they may bear to the whole estate, which under such circumstances may not be ascertainable.

Names of the *pergunnahs*, villages, &c. in each estate to be specified.

Fifth. Under the head of each estate is to be specified, the names of all the *pergunnahs* or other local divisions, and the villages contained therein, alphabetically arranged, and, where procurable from the accounts or records that may be obtainable, the *rukbah* or measurement of each village. A separate column is to be allotted for the measurement of the villages, and where it shall not be immediately procurable, the column shall be left blank for the present, and be filled up at a future period, whenever the villages may be measured by public authority to settle any dispute, or for other purposes.

Sixth. Where estates consist of one, two, or more villages, not comprising a whole *pergunnah*, the name of the *pergunnah* in which the estate may be situated shall be specified.

VIII. The annual revenue assessed upon each estate, or (where parts of an entire estate may be situated in different *zillahs*) portion of an estate, is to be inserted opposite to it in a separate column.

Jumma to be inserted opposite to each estate.

IX. The name or names of the proprietor or proprietors of every estate shall be inserted opposite to the estate, and if the estate be let in farm, the name of the farmer is to be specified.

Names of the proprietors of every estate to be inserted opposite to it.

X. The quinquennial register to be first formed for the *zillahs* in Bengal, Behar, and Orissa, shall commence with the Bengal, Fussily, and Willaity year 1202, and shall exhibit the estates in the several *zillahs*, and the required particulars respecting them, as they may stand at the commencement of that year of the era current in each province. Upon this register being completed, a similar register shall be forthwith formed to commence with the year 1197, and show the estates in the several *zillahs* as they stood at the commencement of that year of each era, being the first of the decennial settlement. The quinquennial register to be formed at the commencement of the year 1207 of the era current in each province, and every succeeding five years, is to exhibit the estates in each *zillah*, as they may stand at that, and each subsequent period.

Quinquennial registers in the several *zillahs* when to commence.

XI. The register to be first formed, and to commence with the Bengal, Fussily, and Willaity year 1202, is to be numbered two. The register to be next formed, commencing with the year 1197 of each era, is to be numbered one. The register to be formed at the commencement of the year 1207 of the respective eras, is to be numbered three, and every subsequent quinquennial register in the order in which it may be formed.

Registers to be numbered.

XII. The register for each *zillah* is to be written on English paper, of the exact size of that on which the form hereafter directed to be prepared by the Board of Revenue may be written, and is to be bound up in one volume, on the back of which there shall be the following inscription:—"Register of estates paying revenue to Government in the *zillah* of ————, at the commencement of the year ———— Bengal (Fussily or Willaity) era ———— corresponding with the year of our Lord———. Number ——."

Size of the paper for the register.

XIII. When the draft of the quinquennial register is completed, it is to be transcribed into a book of the prescribed dimensions, each leaf of which shall be previously paged, and be signed by the judge of the *dewanny adawlut* of the *zillah*, and on the last leaf of the book, the judge is to specify in his own handwriting the number of pages contained in it; and no register shall be considered as authentic, but such as may be entered in a book so paged and attested.

No register to be considered as authentic, excepting such as may be paged and signed.

Leaves of the register to be paged, and to be signed by the judge of the *zillah*.

XIV. It shall be the duty of the keepers of the native records appointed under Regulation XXI. 1793, to keep an exact counterpart of the English register in each *zillah*, in a volume of such dimensions as the Board of Revenue may prescribe, and which shall be paged, and be attested by the judge of the *dewanny adawlut* of the *zillah*, in the same manner as the books containing the English registers; and no other counterparts of the registers of estates shall be considered as authentic, but such as may be entered in a book so paged and attested.

Counterpart register in the native languages to be kept by the keepers of the native records.

XV. The counterpart registers in Bengal and Orissa are to be kept in the Bengal and Persian languages; and in Behar, in the Persian language, and the Hindoostanee language and Nagree character.

In what language the counterpart registers are to be kept.

XVI. For the purpose of recording the divisions of estates, or the transfers of estates, or portions of estates, or the union of estates, that originally formed a part of the same *zemindaree*, *talook*, or *chowdrai*, which may take place during the five years, subsequent to the forming of each quinquennial register, the collectors are to prepare a book, of such dimensions as the Board of Revenue may prescribe, and which shall be denominated the "register of intermediate mutations in landed property," and have the following inscription on the back:—"Register of intermediate mutations in landed property, between the commencement of the year————, and the expiration of the year———— Bengal (Fussily or Willaity) era. Previous to any entries being made in this register, it is to be paged, and the judge of the *dewanny adawlut* of the *zillah* is to sign each leaf of it, and on the last leaf, specify in his own handwriting the number of pages contained in the book. The col-

Manner in which the mutations in property in the intervals between the forming of each quinquennial register are to be recorded.

lector shall cause to be entered in this register all divisions of estates, or transfers of estates, or portions of estates, and every union of estates which originally constituted a part of the same *zemindaree*, *talook*, or *chowdrai*, that may take place during the five years subsequent to the formation of each quinquennial register, with the authority by which the same may have been made, and all the particulars necessary for making the required entries in the next quinquennial register, and shall attest the entry with his signature.

Documents to be furnished by collectors of *zillahs* from which separations may be made.

XVII. Whenever any estates, or portion of estates, shall be directed to be separated from one *zillah*, and annexed to another, the collector of the *zillah* from which the separation may be ordered to take place, is to transmit to the collector of the *zillah* to which the annexation is to be made, a copy of the entries in the last quinquennial register formed prior to the separation, which may relate to the several estates, or portions of estates to be separated, and of any entries respecting them in the register of intermediate mutations which may have taken place subsequent to the forming of the last quinquennial register. These documents are to be entered by the collector of the *zillah* to which the annexations may be directed to be made, in the register of intermediate mutations in his *zillah*, as materials for forming the next quinquennial register.

How separations and annexations altering the jurisdictions of the courts, are to be made known to them.

XVIII. The Governor General in Council will direct the order for the separations and annexations specified in the preceding article, to be notified to the courts of judicature from the jurisdiction of which the separation is to take place, and also to the courts to the jurisdiction of which the annexation is to be made. Upon the arrival of the period when the separation and annexation is to be carried into effect, the collector of the *zillah* from which the separation may be made, is to transmit to the judge of the *dewanny adawlut* of his *zillah*, and also to the provincial court of appeal of the division, copies of the entries in the last quinquennial register and register of intermediate mutations, which may relate to the estates or portions of estates to be separated from his *zillah*; and the collector to whose *zillah* the annexation may be made, is to transmit copies of the abovementioned entries (with which he is directed to be furnished by Section 17,) to the judge of his *zillah*, and to the provincial court of appeal of the division in which it may be included. Immediately upon the receipt of these papers, the courts, from the jurisdiction of which the separations may be made, are to transmit the papers in the causes depending before them, which in consequence of the separation, may become cognizable in any other provincial court of appeal, or *zillah* court, to such court, and to cause notification thereof to be communicated to the parties in writing.

Further rules to be observed in keeping the register of intermediate mutations in property.

XIX. To facilitate reference, as well as the preparing of the new quinquennial register at the end of every five years, the collector is to insert in the preceding quinquennial register in red ink, opposite to the name of the estate in the property in which any alteration may have taken place, the number of the page in the register of intermediate mutations in which the alteration may be noted, and, at the end of the note of the alteration in the last mentioned register, he is to insert in red ink the number of the page in which the estate may be registered in the quinquennial register; and every such entry shall be signed by the collector, who shall be responsible for the entry being truly and accurately made. The note of the alteration to be entered in the register of intermediate mutations, is to specify the requisite particulars for completing the entries in the next quinquennial register, or refer to them, if they be contained in the preceding quinquennial register. The collectors are strictly enjoined never to allow the register of intermediate mutations to fall in arrear, but to make the necessary entries immediately upon any mutation in property, or any separation or annexation of lands from or to their respective *zillahs*, being notified to them through any of the channels specified in Section 24.

Counterpart of the English register of intermediate mutations in property to be kept by the keepers of native records.

XX. A counterpart of the register of intermediate mutations in landed property, is to be kept by the keepers of the native records in the same form as the English register, and in a book the leaves of which are in like manner to be paged and attested by the judge of the *dewanny adawlut* of the *zillah*.

How errors in the fair copy of the quinquennial register, and in the register of intermediate mutations, are to be noted.

XXI. When a quinquennial register shall have been transcribed fair into the book attested by the judge of the *zillah*, as directed in Section 13, if it shall be discovered that the entries respecting any estate are erroneous or incomplete, or that there are any material inaccuracies of the transcriber, the entries are not to be altered or erased, but are to stand, and the collector is to cause the errors or omissions to be noted in the register of intermedi-

ate mutations, and attest the entry with his signature, and insert in red ink, opposite to the erroneous or incomplete entry in the quinquennial register, the number of the page in the register of intermediate mutations in which the errors or omissions are noted, and at the end of the note, specify the number of the page of the quinquennial register in which the property may be registered. Errors or omissions in the register of intermediate mutations are to be noted in a similar manner.

Similar rule with regard to errors in the counterpart, of the quinquennial register and register of intermediate mutations in the native languages.

XXII. Erroneous or incomplete entries in the counterparts of the registers to be kept by the keepers of the native records, are to be noted by them in the same manner as the collector is directed to note erroneous entries in the English registers. But the note of every such entry in the counterpart of the register of intermediate mutations in the native languages shall, in addition to the attestation of the keepers of the native records, be signed by the collector.

Where the titles to estates are disputed, the party in possession to be registered as the proprietor.

XXIII. If the proprietary right in an estate, or the part of an estate, shall be under litigation in a court of justice, at the time of forming the first, or any subsequent quinquennial register, the party in possession is to be registered as the proprietor.

Collector from whence to be furnished with the necessary information for making the entries in the register of mutations in property.

XXIV. *First.* The collectors will be furnished through the following channels with the necessary information regarding the mutations in landed property, and the annexations to, or separations from, their respective *zillahs*, for making the requisite entries in the register of intermediate mutations.

Second. The *zillah* and city courts are required by Section 9, Regulation IV. 1793, to transmit to them copies of all decrees that they may pass, or which may be sent to them to be enforced, by the provincial courts of appeal, or the Sudder Dewanny Adawlut, in any respect relating to the proprietary right in lands paying revenue to Government.

Third. The Board of Revenue are to furnish them with the necessary particulars regarding all such lands as may be disposed of by them at public sale at Calcutta.

Fourth. In cases in which lands may be ordered to be sold at their *cutcherries*, they will have in their own possession the authority for the sale, and all the necessary information regarding the property transferred.

Fifth. They will likewise have in their possession the requisite information respecting the division or the union of estates which may take place under Regulation XXV. 1793, that regulation directing that the division and union of all estates are to be made under their superintendence.

Sixth. By Section 10, Regulation I. 1793, transfers of estates or portions of estates must be notified to them before the name of the new proprietor can be inserted in the register directed to be kept by Regulation XLVIII. 1793.

Seventh. The keepers of the registers established by Regulation XXXVI. 1793, are required by that regulation to furnish them with the particulars of all transfers of landed property that may be entered in their registers.

Proprietors, &c. liable to be fined for omitting to furnish any information that may be required by the collectors for preparing the registers.

XXV. If a collector shall have occasion to require from the proprietor or the farmer of an estate, or from a dependant *talookdar*, or under-farmer, any information that may be necessary to enable him to form a quinquennial register, or to make the requisite entries in the register of intermediate mutations, and such person shall omit to furnish it by the time required, after having been served by the collector with a written requisition for that purpose under his official seal and signature, the collector is to report the circumstances to the Board of Revenue for the information of the Governor General in Council, who reserves to himself the power of imposing on such person whatever fine may appear proper, upon a consideration of the case, and his situation and circumstances in life. Upon receiving notice through the Board of Revenue of any such fines that may be imposed by the Governor General in Council, the collector is to levy the amount by the same process, as he is authorized to have recourse to for the recovery of arrears of revenue.

Collector to send duplicates of each quinquennial register to the Board of Revenue.

XXVI. The collectors of the several *zillahs* are to transmit as early as may be practicable to the Board of Revenue, an attested copy of the quinquennial registers both in the English and the native languages, each in a book of the prescribed size, paged and attested by the judge of the *dewanny adawlut* of the *zillah*, in the same manner as the original register,

gister, as directed in Section 13.; and within one month after the expiration of the third, sixth, ninth, and twelfth months of the Bengal, Fussily, or Willaity year, (according to the era current in their respective districts,) an attested copy of the entries in the register of intermediate mutations that may have taken place during the three preceding months. **The collector of each zillah is to transmit a similar copy of the quinquennial register, and of the quarterly entries in the register of intermediate mutations, to the judge of the* dewanny adawlut *of the* zillah, *and to the provincial court of appeal in the jurisdiction of which the* zillah *may be included. The Board of Revenue are to furnish the Sudder Dewanny Adawlut with an attested copy of the quinquennial registers of each* zillah, *and of the quarterly entries in the registers of intermediate mutations, as soon as they may receive them from the collectors.*

Courts, the Board of Revenue, and the collectors, to be careful to preserve the old quinquennial registers and registers of mutations.

XXVII. The courts of judicature, the Board of Revenue, and the collectors, are enjoined to be particularly attentive to the preservation of the quinquennial register, and registers of intermediate mutations, both in the English and native languages; and they are directed to have the fair copies of each, which are to be deposited amongst the public records, bound up with such materials as may be best calculated to prevent their being destroyed by nse cts.

Board of Revenue to prepare a form for the quinquennial register, and for the register of intermediate mutations in property.

XXVIII. Upon the receipt of this regulation, the Board of Revenue are to prepare forms for the quinquennial register, and the register of intermediate mutations, so that the first mentioned register may exhibit the required particulars respecting each estate, and, as far as may be practicable, the sircars, *pergunnahs*, or other established divisions of the country, in which the estates in the several *zillahs* may be situated, and after submitting the forms for the approbation of the Governor General in Council, they are to circulate copies to the collectors. The approved forms are not to be altered without the sanction of the Governer General in Council; but the Board of Revenue are to suggest any improvements in the forms that may occasionally occur to them, and in the event of their being adopted, they shall take place from the period fixed for forming the next quinquennial register, or at such other period as may be deemed advisable. Upon the receipt of this regulation, the collectors are to proceed to collect the necessary papers and information for forming the quinquennial register which is to commence with the year 1202 of the era current in each province, and to register all mutations in property in their respective *zillahs* that may take place subsequent to the receipt of the regulation. When the quinquennial register for the abovementioned year is completed, or earlier if practicable, the collectors are to proceed to prepare the quinquennial register which is to commence with the year 1197, the first of the decennial settlement, and to complete the register of intermediate mutations to the expiration of the year 1201.

From what materials the register to commence with the year 1207, and every subsequent quinquennial register are to be formed.

XXIX. The quinquennial register to be formed in each of the *zillahs* in Bengal, Behar, and Orissa, at the commencement of the Bengal, Fussily, and Willaity year 1207, and at the commencement of every succeeding five years, is to be prepared from the preceding quinquennial register, and the entries of subsequent mutations in property in the register of intermediate mutations, with the omission or addition of any estates or portions of estates, that may have been separated from the *zillah*, or annexed to it, subsequent to the forming of the last quinquennial register. The materials for each quinquennial register will thus be ready upon the arrival of the period for preparing it, and the register will be completed by the mere transcript of them into the book arranged according to the prescribed form.

All persons at liberty to sue for any landed property registered in the name of another.

XXX. No part of this regulation is to be considered to preclude any person who may deem himself entitled to any estate, or portion of an estate, paying revenue to Government, which may be entered in the quinquennial register, or the register of intermediate mutations, as the property of any other person or persons, from suing for the same in the court of *dewanny adawlut* in which the claim may be cognizable.

* Rescinded by Section 15, Regulation VIII. 1800.

BENGAL SECRETARIAT LIBRARY

A. D. 1793. REGULATION XLIX.

A REGULATION *for preventing Affrays respecting disputed Boundaries.*—PASSED *by the Governor General in Council, on the* 28*th June* 1793, *corresponding with the* 17*th Assar* 1200 *Bengal era; the* 4*th Assar* 1200 *Fussily; the* 17*th Assar* 1200 *Willaity; the* 4*th Assar* 1850 *Sumbut; and the* 17*th Zekaad* 1207 *Higeree.*

Preamble.

INSTANCES frequently occurring of proprietors and farmers of land, dependant *talookdars*, under-farmers, and *ryots*, seizing or ordering their agents and dependants to take possession by force, of disputed land or crops, under the pretext of their having a claim thereto; and frays often ensuing in consequence, which are generally attended with bloodshed, and not unfrequently with the loss of many lives on both sides; and the having recourse to these violent means, either for enforcing or resisting such claims, being not only highly criminal, but unnecessary, from the parties having it at all times in their power to obtain redress by application to the courts of judicature; the following rules have been enacted.

Persons having claims to disputed lands or crops not to take possession by force, but to sue for them in the courts of judicature.

II. If a proprietor, or a farmer of land, or a dependant *talookdar*, or an under-farmer, or a *ryot*, or other person, shall have a claim to any disputed land, or crops, in the possession of another, the claimant is prohibited from possessing or attempting to possess himself of the land or crops by force, but is to prefer his claim to the *dewanny adawlut* of the *zillah*.

Persons forcibly dispossessed of land or crops to complain to the judge of the *zillah*.

Judge to hear the complaint immediately, and upon proof of the dispossession to his satisfaction, to cause the land or crops to be restored to the complainant, or the value of the latter to be paid to him, without enquiring into the merits of the claim of the dispossessor.

III. If any such claimant shall forcibly take possession of the disputed land, or crops, the party dispossessed shall be at liberty to represent the circumstances to the judge of the *dewanny adawlut*, who is immediately to take cognizance of the complaint, and, upon the previous possession of the complainant being proved to his satisfaction, shall, without enquiring into the merits of the claim of the dispossessor, cause the disputed land or crops to be restored to the complainant, or the value of the crops to be paid to him, if they shall have been damaged, destroyed, or shall not be forthcoming, and award against the offender such costs and damages as may appear to him equitable, leaving him to prefer his claim to the property in dispute to the *dewanny adawlut*.

Right of the claimant to the disputed property to be forfeited, if any person shall be killed, wounded, or violently beaten.

Offender and all persons concerned with him liable to be committed to take their trial before the court of circuit.

IV. If any such claimant, or any persons accompanying him, in taking, or attempting to take, possession of the disputed land or crops by force, shall kill, or wound, or violently beat any person; the judge, upon the complainant proving previous possession to his satisfaction, shall not only proceed against the offender, as directed in the case specified in Section 3, but his right to the disputed land or crops, shall be adjudged forfeited to the complainant; and, whether the dispossession be proved to the satisfaction of the judge or not, the offender and all persons aiding or assisting him in the act, shall be committed or held to bail (according to the circumstances of the case) to take their trial before the court of circuit.

Claimants not present, but indirectly concerned in the acts above prohibited, liable to the same consequences as if they were present.

V. If the agents, servants, or dependants, or any person in the employ of a claimant to the disputed land or crops shall take or attempt to take possession thereof by force, and the actual claimant shall not be present, the judge shall nevertheless restore the disputed land or crops, or the value of the latter, to the person who had possession, if he shall have been dispossessed, and proceed against the parties actually present in the manner directed in Section 4, in the event of their having killed, wounded, or violently beaten any person; and if it shall be proved that the parties immediately concerned in taking or attempting to take

take possession of the disputed property acted by the orders, or with the knowledge or connivance of the actual claimant, he shall forfeit his right to the disputed property to the person dispossessed, and be liable to be proceeded against in the criminal court, in the same manner as if he had been present.

Proprietors and others prohibited resisting by force of arms persons attempting to dispossess them of disputed land or crops, or employing force to dispossess such persons, in the event of their having taken possession.

VI. This regulation affording ready means of redress to all persons who may be forcibly dispossessed of land or crops, proprietors and farmers of land, dependant *talookdars*, under-farmers, and *ryots*, and all other persons, are prohibited from arming themselves, or entertaining armed *pykes*, or other persons, for the purpose of keeping possession of, or guarding any disputed land or crops; and if any claimant to disputed land or crops shall go armed with a sword, stick, or other weapon, or give orders for, or connive at, any persons going so armed, to take possession of such land or crops, and the party in possession of the land or crops, or any persons having a claim thereto, shall go armed, or give orders for, or connive at, the assembling of any armed men, to prevent such claimant, or armed persons on his part taking possession of the land or crops, or to dispossess them by force, should they have taken possession of the property, and a fray shall ensue, and any person be killed, wounded, or violently beaten, on either side, the land and crops in dispute shall be adjudged forfeited to Government, and be disposed of as the Governor General in Council may think proper, and both of the claimants to the property, and all persons present, and assisting, or concerned in the fray, shall be committed to prison or held to bail (according to the circumstances of the case) to take their trial before the criminal court.

A. D. 1793. REGULATION L.

A REGULATION *for empowering the Court of Wards to exempt female Proprietors whom they may deem competent to the Management of their own Estates, from the operation of Regulation* X. 1793; *and for modifying certain other Rules contained in that Regulation.*—PASSED *by the Governor General in Council, on the* 6*th December* 1793; *corresponding with the* 23*d Aughun* 1200 *Bengal era; the* 19*th Aughun* 1201 *Fussily*; *the* 23*d Aughun* 1201 *Willaity; the* 19*th Aughun* 1850 *Sumbut; and the* 2*d Jemaud ul Awul* 1208 *Higeree.*

Preamble.

THE produce of small estates belonging to disqualified proprietors of land, being often too inconsiderable for defraying the expence of a separate manager and establishment; and it frequently occurring, that portions of the same estate belonging to a disqualified landholder, are situated in different *zillahs*, and as much inconvenience and embarrassment must consequently result from keeping distinct accounts for each portion under the different jurisdictions, especially when the manager may have occasion to apply the surplus of one portion to balance a deficiency in another portion of the estate, or to distribute on the subdivisions of the estate, their proportions of the *malikanah* and charges, or to appropriate the surplus receipts to the improvement of the lands, or the purchase of landed property, or Government securities; and many female proprietors, from their education and habits of business, having been found competent to the management of their estates, and the Governor General in Council being desirous that all such proprietors as are duly qualified should have the management of their own lands; and it often occurring, from the contiguity of a number of small estates belonging to disqualified proprietors, that a number of them can conveniently and with advantage to the proprietors, be managed by the same person, the Governor General in Council has passed the following rules, applicable to the distinct considerations above enumerated.

Court of wards how to proceed, where the produce of an estate is insufficient to defray the expence of an establishment for the management of it.

II. In cases in which it shall appear to the court of wards that the produce of the estate of a disqualified proprietor is insufficient to provide for the expence of a separate establishment for the management of it in conformity to Section 21, Regulation VIII. 1793, and Regulation X. 1793, the court are empowered to take such measures as, from the circumstances of the case, may appear to them best calculated for providing for the security of the public revenue, and the maintenance of the proprietors of the lands.

Court empowered to invest female proprietors with the management of their lands, when deemed qualified for the charge.

III. The court of wards are empowered to invest female proprietors of land with the management of their own estates, in cases in which the court may be fully satisfied that they are competent to the charge, from their capacity and habits of business. The court are immediately to report to the Governor General in Council every instance in which they may exercise the powers vested in them by this section, with the grounds on which they may deem the proprietors qualified for the management of their lands.

Female proprietors invested with the management of their own estates, to execute the same engagements as other proprietors not disqualified.

IV. Female proprietors who may be exempted from the operation of the regulations regarding disqualified landholders, in virtue of the rule contained in the preceding section, are to execute the same engagements as other proprietors who are held qualified for the management of their lands.

Manager's accounts of estates situated in different *zillahs* to be rendered to one collector.

V. Where portions of the same estate belonging to a disqualified landholder may be situated in different *zillahs*, the court of wards are empowered to authorize the monthly and annual accounts of the whole estate required to be furnished by the manager, to be rendered to the collector of the *zillah*, in which the principal portion of the estate may be situated, instead of delivering separate accounts for each portion to the collector of the *zillah* in which it may be included.

Cases in which the court of wards are empowered to commit several estates to the charge of one manager.

VI. In cases in which from the contiguity of a number of small estates belonging to disqualified proprietors, two or more of them can be conveniently superintended by one manager, the court are empowered to entrust as many of the estates to the management of the same person as may appear to them advisable.

A. D. 1793. REGULATION LI*.

A REGULATION *for punishing Persons convicted of the illicit Manufacture or Vend of intoxicating Liquors or Drugs, who may be unable to pay the Penalty prescribed in Regulation XXXIV. 1793, and for defining more accurately the amount of the Penalty to be exacted for such Offences.*—PASSED *by the Governor General in Council, on the 27th December* 1793; *corresponding with the* 15*th Poose* 1200 *Bengal era; the* 10*th Poose* 1201 *Fussily; the* 15*th Poose* 1201 *Willaity; the* 10*th Poose* 1850 *Sumbut; and the* 23*d of Jummaud ul Awul* 1208 *Higeree.*

Preamble.

THE *penalty directed by Regulation XXXIV.* 1793, *to be imposed on persons convicted of manufacturing or selling intoxicating liquors or drugs without a license, having been found excessive, and instances having occurred of persons, in consequence of their inability to pay any part of the penalty, having undergone a long imprisonment, in which their sufferings have been more than adequate to their offence, the following rules have been enacted.*

Penalty to be in future imposed on persons convicted of the illicit manufacture or vend of intoxicating liquors or drugs.

II. The rule contained in Section 20, *Regulation XXXIV.* 1793, *which directs that persons convicted of the illicit manufacture, or vend of intoxicating liquors or drugs, shall pay a penalty of three times the amount of the annual rate fixed on the stills or drugs at the nearest authorized place of vend, is rescinded, and in future, the penalty for such offences is fixed at three times the amount of the daily rate assessed at the nearest authorized place of manufacture or vend on such drugs, or the stills with which the liquor may be made, or, if it be not made with a still, on the liquor itself, for the number of days for which the drugs or liquor may have been illegally made or sold.*

Punishment to be inflicted on offenders unable to pay the penalty.

III. If a person convicted of the offences specified in the preceding section, shall omit or refuse to discharge the penalty which may be imposed on him, the judge is to commit him to close custody, and proceed to levy the penalty by issuing the same process against his property, as is prescribed for enforcing decrees of the court. If property belonging to the offender sufficient to make good the penalty, shall not be found, the judge is to commit him to the jail of the criminal court, and keep him to hard labour for one month, and then discharge him.

* Rescinded by Section 2, Regulation X. 1813.

INDEX TO THE REGULATIONS.

KEY TO THE INDEX.

THE following are the general heads under which the matter contained in the regulations is arranged; each head comprehending the most important and appropriate particulars relative to it. In the index is added a list of the most striking words in the regulations, with a reference of them to the general heads.

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ARREARS.
BOARD OF REVENUE.
BOUNDARIES.
BRITISH SUBJECTS.
CAUZY-UL-COZAAT, AND CAUZIES.
COLLECTORS.
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MINISTERIAL OFFICERS.
NATIVE COMMISSIONERS.
NAZIM.
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Rules in the preceding Section 5, only immediately applicable to lands granted after the 25th February 1793. But lands in the *thanas* in Boglepore and Behar to be brought under it as soon and as far as may be practicable.—Directions to be observed by regulating officer with a view to effect this object.	—	31	
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Rules in the preceding sections not applicable to invalids, who accepted of double portions of lands under resolutions of the 18th February 1789, and 24th December 1790. For the purpose of shewing the terms upon which these invalids received lands under them and the nature of their tenures, and the precautions adopted for the better security of their tenures—those regulations detailed, and conformance to them prescribed.	—	33	
INVESTMENT.			
Rules for the conduct of all persons employed or concerned in the provision			